

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, March 19, 2021

The Senate met at 10:04 a.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patrick S. Martin, a senator from the twelfth district.

Pending the reading of the Journal of Thursday, March 18, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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 42, Creating Zombie Property Remediation Act of 2021.

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

Eng. Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

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

Eng. Senate Bill 523, Correcting improper code references.

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

Eng. Com. Sub. for House Bill 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

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 2495—A Bill to amend and reenact §55-7G-4 of the Code of West Virginia, 1931, as amended, relating to the filing of asbestos and silica claims; providing that plaintiffs shall include a sworn information form with any asbestos or silica action filed after the effective date of the amendments to the Code; specifying the information to be included in a sworn information form; providing for the dismissal without prejudice of asbestos or silica actions filed against defendants whose product or premises have not been identified; and providing for the dismissal without prejudice of asbestos or silica actions for failure to comply with sworn information filing requirements.

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 2830—A Bill to amend and reenact §49-5-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8-5 of said code; and to amend and reenact §61-14-2, §61-14-8, and §61-14-9 of said code, all relating to strengthening sex trafficking laws; allowing for accessibility of juvenile adjudication records for child victims of sex trafficking; providing for immunity from prosecution for child victims of sex trafficking; providing for criminal liability of a person who aids, assists, or abets the trafficking of an adult or child; providing that a child victim of sex trafficking be eligible for comprehensive and specialized trauma-informed child welfare services; and allowing a child victim of sex trafficking to expunge records of juvenile delinquency adjudication.

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 2854—A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to

amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; eliminating conflicting provisions relating to late retirement and restrictions on annuity options for married members; clarifying preretirement death benefits; clarifying commencement date of disability benefits; clarifying death benefit for dependent children; providing for return to covered employment; and providing for severability.

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

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

Eng. Com. Sub. for House Bill 2855—A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; clarifying certain survivor benefits; amending conflicting statutory provisions; and adding a severability clause.

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

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

Eng. Com. Sub. for House Bill 2896—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 2898—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2021, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 2901—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 2903—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2021, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 2940—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 2941—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, by decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2021, organization 0704, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 3129—A Bill to amend §24A-5-2a of the Code of West Virginia, 1931, as amended; relating to clarifying how the Consumer Price Index rate increase percentage is calculated regarding solid waste motor carriers rate increases; requiring a revised tariff show the

rate increase to be filed; providing flexibility to covered companies to protest or accept rates; and, providing when such increases become effective in each instance.

Referred to the Committee on Government Organization.

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 3132—A Bill to amend and reenact §17A-11-4 of the Code of West Virginia, 1931 as amended; and to amend and reenact §17C-6-10 of said Code; to amend and reenact §17C-17-10 of said Code; to amend and reenact §17E-1-24 of said Code; to amend and reenact §24A-7-6 and §27A-7-7 of said Code; and to amend and reenact §30-29-1 and §30-29-5 of said Code; all relating to changing the term “motor carrier inspectors” to “commercial vehicle enforcement officers” throughout the Code; and removing linguistic inconsistencies.

Referred to the Committee on Government Organization.

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

Eng. House Bill 3175—A Bill to amend and reenact §17A-6E-4 of the Code of West Virginia, 1931, as amended, relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license.

Referred to the Committee on the Judiciary.

Executive Communications

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



Jim Justice
Governor of West Virginia

March 18, 2021

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

Dear Mr. Clerk:

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

Committee Substitute for Senate Bill No. Two Hundred Seventy (270), which was presented to me on March 12, 2021.

Committee Substitute for Senate Bill No. Two Hundred Eighty (280), which was presented to me on March 12, 2021.

You will note that I have approved these bills on March 18, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 19, 2021

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

Dear Mr. Clerk:

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

Committee Substitute for Senate Bill No. One Hundred Twenty-Six (126), which was presented to me on March 15, 2021.

Committee Substitute for Senate Bill No. Two Hundred Seventy-Two (272), which was presented to me on March 15, 2021.

Committee Substitute for Senate Bill No. Two Hundred Seventy-Seven (277), which was presented to me on March 15, 2021.

Senate Bill No. Two Hundred Ninety-Six (296), which was presented to me on March 15, 2021.

Senate Bill No. Three Hundred Thirty-Eight (338), which was presented to me on March 15, 2021.

Senate Bill No. Three Hundred Seventy-Two (372), which was presented to me on March 15, 2021.

You will note that I have approved these bills on March 19, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



Jim Justice
Governor of West Virginia

March 19, 2021

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

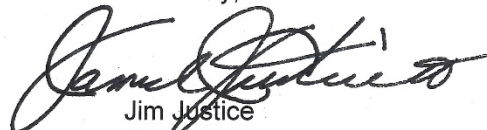
Dear Mr. Clerk:

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

Committee Substitute for House Bill No. Two Thousand One (2001), which was presented to me on March 15, 2021.

You will note that I have approved this bill on March 19, 2021.

Sincerely,


Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 18th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2011), Eliminating any time requirements for part time personnel to work during a working year.

Respectfully submitted,

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

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 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor.

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

Com. Sub. for Senate Bill 361 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to extended supervised release for certain offenders generally; requiring extended supervision for persons convicted of distribution of obscene matter to minors, soliciting a minor via computer, and soliciting a minor by use of obscene matter, and removing antiquated language.

And,

Senate Bill 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children.

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

Com. Sub. for Senate Bill 658 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-26-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Sheriffs' Bureau of Professional Standards working with the sheriffs of each county of the state to actively participate in and utilize all components of the Handle With Care Program to help trauma-inflicted children in the public or private school system.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 436, Relating generally to solid waste facilities.

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

Com. Sub. for Senate Bill 436 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; to amend and reenact §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code, all relating to solid waste facilities; specifying that a mixed waste resource recovery facility is not a solid waste facility; providing for exemption of solid mixed waste resource recovery facilities from certain fees; and clarifying that mixed waste resource recovery facilities are not subject to the jurisdiction of the Public Service Commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
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 486, Relating to powers and duties of Chief Technology Officer.

And,

Senate Bill 577, Exempting certain fire departments from licensure requirements for providing rapid response services.

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

Respectfully submitted,

Mark R. Maynard,
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 487, Updating Division of Purchasing procurement and spending thresholds.

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

Com. Sub. for Senate Bill 487 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, all relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the director; authorizing the director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity; providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 551, Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will.

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

Com. Sub. for Senate Bill 551 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; defining terms; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing for forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date.

And,

Senate Bill 590, Removing restriction preventing medical marijuana from being in edible form.

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

Com. Sub. for Senate Bill 590 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,
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 565, Relating generally to elections.

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

Com. Sub. for Senate Bill 565 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9; to amend and reenact §3-2-6, §3-2-11, §3-2-23, and §3-2-25 of said code; to amend and reenact §3-3-1, §3-3-3, §3-3-5, and §3-3-5c of said code; to amend and reenact §3-6-9 of said code; to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of said code; to amend and reenact §3-8-2b of said code; and to amend said code by adding thereto a new section, designated §3-9-21, all relating to elections; prohibiting non-public funding sources for election administration and related expenses without prior written approval by the State Election Commission; clarifying the deadline for electronically submitted voter registration applications; requiring certain optional questions regarding updating or transferring voter registration or registering to vote to be presented by the Division of Motor Vehicles as part of application for motor vehicles driver's license or other official identification card; authorizing the Secretary of State to revise questions in legislative rules to conform to federal law; requiring the Division of Motor Vehicles to release certain information to the Secretary of State; requiring cancellation of voter registration upon receipt of certain official notices from a state or federal court; changing the time period for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files to each odd-numbered year following a federal election; changing the time period of inactivity required for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files from four years to two years; extending an electronic absentee ballot transmission option to certain voters eligible to vote an emergency absentee ballot and certain first responders; changing deadline for certain voters to become eligible to vote an emergency absentee ballot; changing the start and end date for early in-person voting; removing requirements pertaining to punch card systems and gray envelopes; changing the deadline by which voters may submit their absentee-by-mail and emergency absentee ballot requests effective January 1, 2022; changing deadlines applicable to emergency absentee voting procedures which may be extended to certain voters by a county commission effective January 1, 2022; requiring boards of canvassers to transmit certain information electronically to the Secretary of State; making procedures for election contests before a special court applicable to

contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts; requiring certain disclosures on certain political push-polls and prerecorded political telephone messages; providing for civil penalties for violations of requirements for disclosure of electioneering communications and disclaimers on telephone political messaging and polling; authorizing an action for equitable relief by a person injured by a violation of requirements for electioneering communications and disclaimers on telephone political messaging and polling; providing for award of costs and fees to prevailing plaintiffs in certain actions for equitable relief; defining the term “bona fide survey and opinion research”; prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties therefor.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 587, Making contract consummation with state more efficient.

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

Com. Sub. for Senate Bill 587 (originating in the Committee on Government Organization)—
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 587), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration

Senate Bill 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV.

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

Com. Sub. for Senate Bill 610 (originating in the Committee on Education)—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.

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,

Patricia Puertas Rucker,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

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 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 651, Allowing county boards of education to publish financial statements on website.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 657, Forming Open and Robust University Minds Act.

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

Com. Sub. for Senate Bill 657 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, §18B-20-2, §18B-20-3, §18B-20-4, §18B-20-5, §18B-20-6, §18B-20-7, §18B-20-8, §18B-20-9, §18B-20-10, §18B-20-11, and §18B-20-12, all relating to free expression on state institution of higher education campuses; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; providing for definitions; defining protected expressive activities; defining public forums and prohibiting “free speech zones”; permitting expressive activity on campus under certain conditions; allowing state institutions of higher education to maintain and enforce reasonable time, place, and manner restrictions under certain parameters; prohibiting a state institution of higher education from denying a religious, political, or ideological student organization any benefit or privilege available to any other student organization or otherwise discriminate against the organization; requiring state institutions of higher education to develop materials, programs, and procedures to ensure that those persons having responsibility for discipline or education of students understand the policies, regulations, and duties of state institutions of higher education regarding free expression on campus; requiring each state institution of higher education to create a report detailing the course of action implemented to be in compliance with the free expression on campus article; allowing an aggrieved person or student association to bring an action against the state institution of higher education and its employees acting in their official capacities, responsible for the violation and seek appropriate relief; providing statute of limitations; waiving immunity under the Eleventh Amendment of the United States Constitution; and providing for severability.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 657), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 Joint Resolution 7, Motor Vehicle and Other Personal Property Tax Reduction Amendment.

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.

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 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2797, Declaring certain claims to be moral obligations of the State.

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

Respectfully submitted,

Eric J. Tarr,
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

House Concurrent Resolution 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives.

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

Respectfully submitted,

Charles S. Trump IV,
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 Takubo:

Senate Bill 668—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, §30-21A-12, and §30-21A-13, all relating to the Psychology Interjurisdictional Compact; providing for definitions; providing for increased public access to professional psychological services by permitted psychologists to practice across state lines; providing for temporary psychological services; providing for the state's ability to protect the health and welfare of its citizens; providing for the cooperation and exchange of information in compact states; providing for cooperation of compact states in licensure and regulation; providing for adverse actions; providing for enforcement mechanisms for compliance with the compact; providing for coordinated efforts between compact states of holding psychologists accountable to the compact; providing for effective dates of rules upon induction to the compact; providing for duties and authority of the commission; providing for election procedures for commission members; providing for alternative dispute resolution methods; providing for venue for legal action taken against the commission; providing for withdrawal from the compact; and providing for construction and severability of the terms of the compact.

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

By Senator Nelson:

Senate Bill 669—A Bill directing the West Virginia Higher Education Policy Commission to sell 258.17 acres of land, together with any improvements thereon, situated in the City of South Charleston, Union Carbide Corporation Tech Center Property, located on 3200 Kanawha Turnpike, City of South Charleston, Kanawha County, to the City of South Charleston.

Referred to the Committee on Economic Development; and then to the Committee on Education.

By Senator Grady:

Senate Bill 670—A Bill to amend and reenact §9-5-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto and new section, designated §9-5-29, all relating to requiring managed care organizations to report certain mental health parity information;

requiring contracts between managed care organizations and the state Medicaid agency to contain certain provisions mandating such managed care organizations to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for liquidated damages; and setting forth an effective date.

Referred to the Committee on Health and Human Resources.

By Senator Phillips:

Senate Bill 671—A Bill to amend and reenact §16-4C-4 of the Code of West Virginia, 1931, as amended, relating to providing for the appointment of a Director of the Office of Emergency Medical Services.

Referred to the Committee on Health and Human Resources.

By Senator Phillips:

Senate Bill 672—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to requiring Medicaid managed care organizations to use an open network of laboratory providers; establishing findings; and requiring open network laboratories adhere to the same conditions as any other contracted laboratory.

Referred to the Committee on Health and Human Resources.

By Senator Swope:

Senate Bill 673—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-1-1b, relating to venue for bringing a civil action or conducting proceedings under a construction contract.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 674—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said code, all relating generally to court-ordered fines, forfeitures, and restitution; clarifying that unpaid restitution need not preclude a person from obtaining a valid driver's license; establishing procedures to obtain a lien against a person who owes restitution; and providing procedures for removing a lien.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 675—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the responsibility of the Governor to fill a vacancy in the state Legislature; providing a process for the selection of three legally qualified persons to fill a vacancy in the office of state Senator or member of the House of Delegates; allowing for virtual candidate interviews where more than three candidates apply; clarifying the interview process; and providing that a party county chairman appoint a subcommittee to act as vacancy committee where a senate or delegate district is wholly within one county.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 676—A Bill to amend and reenact §11-14C-47 of the Code of West Virginia, 1931, as amended, relating to requiring taxes collected from motor fuels that are used by off-highway vehicles be used to map state roads using the graphic information system.

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

By Senators Phillips, Caputo, and Smith:

Senate Bill 677—A Bill to amend and reenact §22A-1-2 and §22A-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §22A-2-33, §22A-2-40, §22A-2-46, and §22A-2-70 of said code; and to amend and reenact §22A-9-1 of said code, all relating to miners' safety, health and training standards regarding capacitors used for power correction, electrical work performed on low, medium, or high voltage circuits or equipment, and the use of gas-detecting devices; making technical corrections; authorizing the director to terminate tenured inspectors; and providing for a hearing process related to an inspector's termination.

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

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

Senate Bill 678—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and adding a new item of appropriation to Executive, Governor's Office, fund 0101, fiscal year 2021, organization 0100, by supplementing and amending appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 679—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$550,000 from the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2012, organization 0613, appropriation 34400, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance – Department of Veterans' Assistance - Veterans' Home, fund 0460, fiscal year 2021, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

Senators Stollings and Phillips offered the following resolution:

Senate Concurrent Resolution 35—Requesting the Division of Highways name a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the "U. S. Air Force LT COL Robert J. Hill Memorial Road".

Whereas, Robert James Hill was born September 24, 1936, son of the late Wallace Alvin Hill and Mattie Varney Hill. Robert grew up in Boone County, West Virginia in an area known as the North Fork of Big Creek; and

Whereas, Robert James Hill graduated in 1953 from Scott High School. He attended Marshall University, and after two years at Marshall, he received an emergency teacher certificate which allowed him to teach at a two-room public school at the North Fork of Big Creek; and

Whereas, Robert James Hill had an Uncle Edsel Carl Varney who was a World War II Navy pilot [Pacific Theatre], then a local pilot, and who was a major influence in his life; although his parents wanted him to become a teacher, Robert was enthralled with the idea and strongly desired to become a pilot from his awareness of his Uncle Varney's history; and

Whereas, On September 27, 1956, Robert J. Hill entered the United States Air Force and in 1958, he became a commissioned officer. His eyesight would prohibit Robert from becoming a pilot, so instead he became a navigator that would define his Air Force career; and

Whereas, In his over 22 years of Air Force service, Robert would spend most that time in the Strategic Air Command [SAC], where he witnessed many new innovations. Trained in "electronic warfare" and "electronic counter measures" equipment, his initial assignment was a B-52; and

Whereas, In 1963, U. S. Air Force LT COL Robert J. Hill was assigned to a B-58, often used for reconnaissance using aerial photography which he had been trained to perform. On March 27, 1964, his aircraft was assigned to fly over the Alaskan earthquake area to photograph the damage. Those photographs were rapidly developed and provided to the Department of Defense and to President Lyndon B. Johnson. In September 1967, he received a call from President Johnson requesting another mission to photograph the damage of Hurricane Beulah; and

Whereas, In 1969-70, U. S. Air Force LT COL Robert J. Hill was reassigned to become a Navigator qualified in the air refueling aircraft, the KC-135. In 1972, U. S. Air Force LT COL Robert J. Hill was assigned to Maxwell Air Force Base to participate in the Air Force's Command Staff College and concurrently entered Troy State University, where, in 1973, he earned a Bachelor of Science degree; and

Whereas, With his exemplary Navigator skills, the Air Force was engaging with the linked electronic "radar bombing site" technology. In 1973-74, Robert completed the "Skyport" training and became an active Combat Controller in Ubon, Thailand in support of the Vietnam conflict. In late 1974, having exemplary electronic "radar bombing site" technology, U. S. Air Force LT COL Robert J. Hill would soon become the Operations Officer, and then Detachment Commander; and

Whereas, On October 31, 1978, U. S. Air Force LT COL Robert J. Hill retired from the United States Air Force with over 22 years of service. As a result of his service with the Strategic Air Command and other assignments involving secret missions, top secret equipment and his high security clearance, U. S. Air Force LT COL Robert J. Hill's full history can ever be told; and

Whereas, Many service awards bestowed upon U. S. Air Force LT COL Robert J. Hill were not allowed public view; however, many of his awards are known: 15 December 1958-10 January 1963: Air Force Commendation Medal; 28 and 29 March 1964: The Air Medal [Alaska Earthquake]; 25 January 1963 - 15 November 1969: Air Force Commendation Medal; First Oak Leaf Cluster [meritorious service]; 15 March 1971 - 7 July 1972: The Air Medal; First Oak Leaf Cluster; 30 January 1977- 31 October 1978: Air Force Commendation Medal; Second Oak Leaf Cluster [meritorious service]; the Vietnam Service and the Armed Services Expeditionary Medals; and

Whereas, In 1958, U. S. Air Force LT COL Robert J. Hill married his sweetheart, Mary Frances Craddock, and they have two children: Susan Hill Keller and Steven A. Hill; and

Whereas, Following retirement in 1978, U. S. Air Force LT COL Robert J. Hill remained in Bismarck, North Dakota until 1989 when he and his family returned to Boone County; and

Whereas, U. S. Air Force LT COL Robert J. Hill was a member of two Madison based Boone County veterans organizations: the American Legion, Post 87 and the VFW, Post 5578; and

Whereas, U. S. Air Force LT COL Robert J. Hill died on November, 13, 2020 at his home in Jeffrey; he was preceded in death by his wife, Mary Frances Craddock Hill; he is survived by his daughter, Susan Keller (Terry) of Grayson, KY; son, Steven A. Hill of Ramage, two grandchildren, three great-grandchildren, and sister, Linda Marcum; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Air Force LT COL Robert J. Hill 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 WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the "U. S. Air Force LT COL Robert J. Hill Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S. Air Force LT COL Robert J. Hill 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 Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 36—Requesting the Division of Highways name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the "U.S. Army SP4 Warner Ray Osborne Memorial Bridge".

Whereas, Warner Ray Osborne was born on January 2, 1943, to Elmer and Ruth Osborne of Curtis in Logan County, West Virginia; and

Whereas, Warner Ray Osborne died on June 12, 2019, a life-long resident of Logan County; and

Whereas, Warner Ray Osborne enlisted in the U.S. Army on July 24, 1961, and completed Basic Combat Training at the Airborne School in Fort Campbell, Kentucky; and

Whereas, Warner Ray Osborne worked as an Army lineman, attained the rank of SP/4 E-4 (T), and received an Expert Badge for Rifle, Letter of Commendation, and a Parachutist Badge during his service before his honorable discharge on July 23, 1964; and

Whereas, Following his military service, SP4 Warner Ray Osborne returned to the Accoville area of Logan County, West Virginia, where he worked in coal mining for more than 30 years and cared for his family, including his wife of 47 years, Quindora Marie Linville Osborne; and

Whereas, SP4 Warner Ray Osborne and Quindora Marie Linville Osborne had three daughters, Darlene Sue Osborne Davis, Melissa “Lisa” Osborne Gentry, and Kristy Bragg, several grandchildren, and great grandchildren; and

Whereas, Warner Ray Osborne served his country with honor and was cherished by his family, friends, and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SP4 Warner Ray Osborne for his contributions to our state and country, and to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the “U.S. Army SP4 Warner Ray Osborne 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 SP4 Warner Ray Osborne 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.

Senator Jeffries offered the following resolution:

Senate Concurrent Resolution 37—Requesting the Division of Highways name, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying WV 64 over the Kanawha River, locally known as the Nitro/St. Albans Bridge in Kanawha County, the new Eastbound Lane/Bridge, the “Nitro WW I Living Memorial Bridge”.

Whereas, On August 29, 1916, the United States Congress authorized the building of the Naval Ordnance Plant between U.S. 60 and the railroad in South Charleston, West Virginia. The plant took two years to build, spanned 900,000 square feet, and began operating in May of 1918. According to the Secretary of the Navy, Josephus Daniels, this naval base was the first in U.S. history to be placed away from seawaters. The U.S. Navy was drawn to the location by West Virginia’s natural resources, as well as its “moral environment and splendid citizenship”. The plant manufactured military equipment such as armor plates, gun forgings, and projectiles for battleships and cruisers which were used by the U.S. Navy in World War I; and

Whereas, Nitro was a World War I boom town believed to be named after nitrocellulose, which was used to manufacture smokeless gunpowder and other explosive devices. The plant was one of three selected by the U.S. government under the Deficiency Appropriations Act to relieve a severe shortage of gunpowder. Nitro’s location, 14 miles from Charleston, was chosen because

it was secure from coastal attacks and climatic conditions while having access to railroads, waterways, and raw materials. The ordnance plant complex was known as Explosive Plant C. It was built in just 11 months and thousands of workers, supplies, and materials arrived practically overnight; and

Whereas, During the 11 months that the Explosive Plant C was in operation, the town was 90 percent complete and housed 23,951 people associated with the plant. There was a high turnover of people coming and going from the plant, with workers from each state and representing 41 different nationalities. Some who arrived for work in 1918 suffered from Spanish influenza and army barracks and other buildings had to be converted into hospitals to care for the sick; and

Whereas, By the end of the war on November 11, 1918, Explosive Plant C had produced 350 tons of smokeless gun powder per day. On Armistice Day, Nitro celebrated with a parade of cars, military tanks, and a band. Within two weeks after the Armistice, 12,000 people left Nitro and there were not enough workers to sustain plant production. The director of the plant turned its operation over to the Ordnance Department on January 15, 1919, and the plant was declared surplus as the U.S. government prepared to liquidate the property. Workers were laid off in October of 1919 and, a month later, the facilities were sold at auction to the Charleston Industrial Corporation; and

Whereas, In November of 1919, a state charter was granted to the Charleston Industrial Corporation which was organized for the specific purpose of purchasing and redeveloping the surplus government property at Nitro. The Charleston Industrial Corporation launched a sales promotion campaign to attract new industries and businesses to the area, focusing on manufacturing and chemical industries. By 1921, the future of Nitro was beginning to take shape with many wartime holdovers calling it home and relying on their friends and neighbors for fellowship, common interests, and help in time of need. This early community spirit remains strong; and

Whereas, Remnants of Nitro's gunpowder production history can be seen throughout the town and many special events associated with both World War I and World War II are held each year. The town proudly celebrates its wartime history and being known as a "living memorial to World War I"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nitro's rich past and significance to our country during World War I; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new Eastbound Lane/Bridge, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying WV 64 over the Kanawha River, locally known as the Nitro/St. Albans Bridge in Kanawha County, the "Nitro WW I Living Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the Eastbound lane or bridge as the "Nitro WW I Living 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.

Senator Romano offered the following resolution:

Senate Concurrent Resolution 38—Requesting the Division of Highways name bridge number 17A282 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the “U.S.M.C. SSGT Herbert ‘Herbie’ Barnes Veteran Memorial Bridge”.

Whereas, Herbert D. Barnes was born May 15, 1927, to alcoholic parents and raised in extreme poverty in West Virginia. He enlisted in the U.S. Marine Corps at age 19, writing in his journal that the Marine Corps became his family and his home for two decades where he “slept in warm barracks, had three warm meals a day, had nice clothes, shoes, and a hot shower every day”; and

Whereas, SSGT Herbert D. Barnes left training in Quantico, Virginia, to board the troop ship USS President Adams headed for Trinidad in 1947 when the ship was caught in a typhoon that nearly capsized the vessel, causing him to remember that “I was scared to death that the ship was going to sink”; and

Whereas, SSGT Herbert D. Barnes helped guard the amphibious base in Trinidad where he watched PBV seaplanes land and take off on the water as part of their mission to hunt enemy submarines. He took his next ocean voyage, headed to South Korea, where he fought on the beaches in and around Inchon Harbor. SSGT Herbert D. Barnes and his unit fought their way to Korea’s capital of Seoul where they were targeted by snipers during a 10-day battle; and

Whereas, SSgt Herbert D. Barnes and his fellow Marines dug in for an extremely bloody battle with Red Chinese soldiers in temperatures that dropped as low as 35 degrees below zero. They used sandbags and frozen bodies since it was too cold to dig foxholes for which he and his fellow troops were dubbed the Frozen Chosen; and

Whereas, SSgt Herbert D. Barnes served as a drill instructor during the Vietnam War, a time he rarely discussed with his family. His son remembers his father somberly describing it as the spookiest place he had ever been. SSGT Herbert D. Barnes retired after 20-years in the U.S. Marine Corps earning a WW II Victory Medal, Good Conduct Medal with three stars, Presidential Unit Citation with one star, Korean Service Medal with three stars, and National Defense Service Medal with one star; and

Whereas, Herbert D. Barnes was a member of the VFW, Post 573, and past commander of the Elks and Moose. He died on October 29, 2017, at age 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. SSGT Herbert “Herbie” Barnes 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 17A282 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the “U.S.M.C. SSGT Herbert ‘Herbie’ Barnes Veteran Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S.M.C SSGT Herbert “Herbie” Barnes 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 Beach and Caputo offered the following resolution:

Senate Concurrent Resolution 39—Requesting the Division of Highways erect signs at the Marion County borders on I-79 entering Marion County at (39°27'00.8"N) (80°10'33.8"W), and (39°30'27.6"N) (80°07'59.7"W), stating "Birthplace of Alabama Coach Nick Saban".

Whereas, Nicholas Lou Saban Jr., was born on October 31, 1951, in Fairmont, West Virginia, to Nicholas and Mary Saban; and

Whereas, Nicholas Lou Saban Jr., known throughout his life as "Nick", attended Monongah High School where he won the 1967 2A State Championship in football as a quarterback alongside United States Senator Joe Manchin; and

Whereas, Upon graduation from Monongah High School, Nick Saban would attend Kent State University on a football scholarship as a starting defensive back for the Golden Flashes from 1970 to 1973; and

Whereas, After completing his bachelor's degree in business, Nick Saban would go on to complete his master's degree in sports administration from Kent State, while working as an assistant coach for the Golden Flashes; and

Whereas, Upon graduation, Nick Saban would be hired as a graduate assistant for Kent State, later serving as an assistant coach at Syracuse in 1977, West Virginia from 1978 -1979, Ohio State from 1980 - 1981, Navy in 1982, Michigan State from 1983 to 1987, and the Houston Oilers of the National Football League (NFL) in 1988; and

Whereas, Nick Saban would be head coach job at Toledo in 1988, where he found quick success which would lead to an offer from the Cleveland Browns of the NFL to become a defensive coordinator for the 1990 season; and

Whereas, After four years in Cleveland, Michigan State would take Nick Saban as their head coach from 1990 to 1999; starting the 1999 season, Nick Saban would become the head coach of Louisiana State University where he would win his first National Championship in the 2003 season and two South Eastern Conference Championships; and

Whereas, in 2004, Nick Saban would leave Louisiana State University, to become the head coach of the Miami Dolphins for the 2005 season, and after a 15-17 record, Nick Saban would be released from Miami; and

Whereas, Nick Saban would be hired by the Alabama Crimson Tide on January 3, 2007, which would lead to six National Championships (2009, 2011, 2012, 2015, 2017, 2020) and seven Eastern Conference Championships (2009, 2012, 2014, 2015, 2016, 2018, 2020); and

Whereas, Nick Saban has a wife, Kristen Saban of 49 years who first saw Nick at a Pop Warner game in Fairmont, and two adopted children, Nicholas and Kristen Saban; and

Whereas, Nick Saban would call on Alabama high schools to help West Virginia schools affected by the 2016 West Virginia floods that took place on June 23-24; and

Whereas, Nick Saban's representation of West Virginia on a national stage should be commemorated by his birthplace being honored on signs on I-79 entering the county; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect signs at the Marion County borders on I-79 entering Marion County at (39°27'00.8"N) (80°10'33.8"W), and (39°30'27.6"N) (80°07'59.7"W), stating "Birthplace of Alabama Coach Nick Saban"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Birthplace of Alabama Coach Nick Saban"; 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 Takubo offered the following resolution:

Senate Resolution 23—Designating March 2021 as Red Cross Month.

Whereas, March is American Red Cross Month, a special time to honor the kindness of our neighbors who aid families in need every day in West Virginia, across the United States, and around the world. Their dedication touches millions of lives each year as they carry out the organization's 140-year mission of preventing and alleviating suffering; and

Whereas, During the trying times of the coronavirus pandemic, people have stepped up to help others in need, whether it was responding to this year's record-breaking disasters across the country or rolling up their sleeves to give blood when our country faced a severe blood shortage; and

Whereas, Here in West Virginia, families have relied on almost 700 local volunteers for comfort and hope while coping with home fires, floods, and more. Volunteers also helped over 700 families impacted by home fires in West Virginia by addressing their urgent needs like food, lodging, and recovery support; and

Whereas, West Virginia volunteers have supported local families in other ways, too. Last year in West Virginia, the Red Cross collected over 30,000 units of life-saving blood while testing these donations for COVID-19 antibodies and provided nearly 3,000 services to over 1,000 military members, veterans, and their families; and

Whereas, This life-saving work is vital to strengthening our community's resilience. Nearly 200 years since the birth of American Red Cross founder Clara Barton, we dedicate this month of March to all those who continue to advance her noble legacy, and we ask others to join in their commitment to care for people in need; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 2021, as Red Cross Month; and, be it

Further Resolved, That the Senate encourages all West Virginians to reach out and support the humanitarian mission of the Red Cross; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Erica Mani, Regional Chief Executive of the American Red Cross, Central Appalachia Region.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

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.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Nelson regarding the adoption of Senate Concurrent Resolution 20 were ordered printed in the Appendix to the Journal.

Senate Concurrent Resolution 29, USMC CPL Harry Edward Dean, Jr., 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 30, William Gregory "Greg" White, PE, 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 31, Frye Brothers Veteran 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 32, Cox Brothers Veteran 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 33, US Army SGT Lewis M. "Mike" Totten 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 34, US Air Force TSGT Franklin A. Bradford 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 22, Urging Governor to work with congressional members to save jobs and repurpose former Mylan plant in Morgantown.

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

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

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 22) adopted.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Caputo regarding the adoption of Senate Resolution 22 were ordered printed in the Appendix to the Journal.

At the request of Senator Baldwin, unanimous consent being granted, the remarks by Senator Beach regarding the adoption of Senate Resolution 22 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 422, Establishing common law “veil piercing” claims not be used to impose personal liability.

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 422 pass?”

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

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

Absent: Stover—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. 422) 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 531, Relating to incomplete, duplicative, or redundant claims for refund.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 531) passed with its title.

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

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

The nays were: None.

Absent: Stover—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. 531) takes effect July 1, 2021.

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

Eng. Senate Bill 532, Limiting claims for state tax credits and rebates.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 532) passed with its title.

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

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

The nays were: None.

Absent: Stover—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. 532) takes effect July 1, 2021.

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

Com. Sub. for Senate Bill 626, Updating regulation for purchase of automobile catalytic converters.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, March 18, 2021, for amendments to be received on third reading, was reported by the Clerk.

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

By striking out all of section forty-nine-c and inserting in lieu thereof a new section forty-nine-c, to read as follows:

§61-3-49c. Possession of a catalytic converter without documentation of ownership or authority to possess.

(a) As used in this section, catalytic converter means a motor vehicle exhaust emission control that reduces toxic gases and pollutants from an internal combustion engine.

(b) Any person in possession of a catalytic converter which had previously been installed on a motor vehicle, or parts, thereof shall have in his or her possession written documentation of ownership or authorization to possess the catalytic convertor. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or confined in jail not more than one year or both fined and confined.

(c) Each catalytic convertor possessed in violation of subsection (b) of this section shall constitute a separate offense.

(d) Any catalytic convertor possessed in violation of subsection (b) of this section is subject to seizure at the time of arrest.

(e) A person possessing a single catalytic convertor in violation of subsection (b) of this section shall for the offense be charged by citation and not subject to arrest for that offense.

(f) Notwithstanding the provisions of subsection (b) of this section, presentation to the court in which charges alleging a violation of said subsection are pending sufficient evidence to show lawful ownership or authority to possess constitutes an absolute defense to the charge or charges.

Following extended discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

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

Engrossed Committee Substitute for Senate Bill 626 was then read a third time and put upon its passage.

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

The nays were: Azinger, Karnes, Martin, and Sypolt—4.

Absent: Stover—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. 626) 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 Senate Bill 626—A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-49c, all relating to the purchase and possession of certain scrap metal; updating the regulation of the purchase of automobile catalytic converters; requiring certain evidence and documentation from a seller of an automobile catalytic converter; placing restrictions on the payment for automobile catalytic converters; placing restrictions on the sale or transfer of an automobile catalytic converter by a scrap metal dealer; requiring scrap metal dealer to record identifying information on a catalytic convertor; creating the criminal offense of possession of a catalytic converter without proof of ownership or authority to possess; requiring that persons charged with possession of a single catalytic convertor are to be charged by citation and not be subject to arrest; establishing an absolute defense to the criminal action; and establishing criminal penalties.

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

Eng. House Bill 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2709) passed with its title.

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

Eng. House Bill 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox 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, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2764) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 36, Relating to WV Secondary School Activities Commission audits.

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 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 569, Relating to damages for medical monitoring.

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

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

Com. Sub. for Senate Bill 636, Requiring certain history and civics courses be taught in schools.

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 2024, Expand use of telemedicine to all medical personnel.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

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

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7b. Coverage for telehealth services.

(a) The following terms are defined:

(1) "Distant site" means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient's health care practitioner.

(2) "Established patient" means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

~~(2)~~ (3) "Health care practitioner" means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

~~(3)~~ (4) “Originating site” means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner’s office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient’s home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

(4) ~~(5)~~ “Remote patient monitoring services” means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

~~(5)~~ (6) “Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio only telephone calls~~, e-mail messages, or facsimile transmissions.

(7) “Virtual telehealth” means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

(b) After July 1, 2020, the plan shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

(c) After July 1, 2020, the plan may not exclude a service for coverage solely because the service is provided through telehealth services.

(d) The plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

(e) The plan may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(f) An originating site may charge the plan a site fee.

(g) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-28. Requirement for telehealth rates.

The Medicaid plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The Medicaid plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-26. Telehealth practice.

(a) For the purposes of this section:

“Health care practitioner” means a person licensed under §30-1-1 *et seq.* who provides health care services.

“Interstate telehealth services” means the provision of telehealth services to a patient located in West Virginia by a health care practitioner located in any other state or commonwealth of the United States.

“Registration” means an authorization to practice a health profession regulated by §30-1-1 *et seq.* of this code for the limited purpose of providing interstate telehealth services within the registrant’s scope of practice.

“Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio-only telephone calls~~ internet questionnaires, e-mail messages, or facsimile transmissions.

(b) Unless already provided for by statute or legislative rule, a health care board, referred to in §30-1-1 *et seq.* of this code, shall propose a an emergency rule for legislative approval in accordance with the provisions of ~~§29A-3-4~~ §29A-3-15 *et seq.* of this code to regulate telehealth practice by a telehealth practitioner. The proposed rule shall consist of the following:

(1) The practice of the health care service occurs where the patient is located at the time the telehealth technologies are used;

(2) The health care practitioner who practices telehealth ~~must be licensed as provided in this chapter shall be:~~

(A) Licensed in good standing in the state in which he or she is licensed and not currently under investigation or subject to an administrative complaint; and

(B) Registered as an interstate telehealth practitioner with the appropriate board in West Virginia;

(3) When the health care practitioner-patient relationship is established.

(4) The standard of care for the provision of telehealth services: *Provided*, That the standard of care shall require that with respect to the established patient, the patient shall visit an in-person health care practitioner within 12 months of using the initial telemedicine service or the telemedicine service shall no longer be available to the patient until an in-person visit is obtained: *Provided, however*, That the requirements in this section may be suspended in the event the Governor declares a state of emergency that impacts the public health or in the discretion of the health care practitioner on a case-by-case basis: *Provided* however; That the requirements of this section do not apply to the following services: acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care.

(5) A prohibition of prescribing any controlled substance listed in schedule II drugs-Schedule II of the Uniform Controlled Substance Act, unless authorized by another section--: *Provided*, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(6) Establish the conduct of a registrant for which discipline may be imposed by the board of registration.

(7) Establish a fee, not to exceed the amount to be paid by a licensee, to be paid by the interstate telehealth practitioner registered in the state.

(8) A reference to the Board's discipline process.

(c) A registration issued pursuant to the provisions of or the requirements of this section does not authorize a health care professional to practice from a physical location within this state without first obtaining appropriate licensure.

(d) By accepting a registration to provide interstate telehealth services to patients in this state, a health care practitioner is subject to:

(1) The laws regarding the profession in this state, including the state judicial system and all professional conduct rules and standards incorporated into the health care practitioner's practice act and the legislative rules of registering board; and

(2) The jurisdiction of the board with which he or she registers to provide interstate telehealth services, including such board's complaint, investigation, and hearing process.

(e) A health care professional who registers to provide interstate telehealth services pursuant to the provisions of or the requirements of this section shall immediately notify the board where he or she is registered in West Virginia and of any restrictions placed on the individual's license to practice in any state or jurisdiction.

(f) A person currently licensed in this state is not subject to registration but shall practice telehealth in accordance with the provisions of this section and the rules promulgated thereunder.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-13a. Telemedicine practice; requirements; exceptions; definitions; rule-making.

(a) *Definitions.* – For the purposes of this section:

(1) “Chronic nonmalignant pain” means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. “Chronic nonmalignant pain” does not include pain associated with a terminal condition or illness or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition or illness.

(2) “Physician” means a person licensed or registered by the West Virginia Board of Medicine to practice allopathic medicine in West Virginia.

(3) “Store and forward telemedicine” means the asynchronous computer-based communication of medical data or images from an originating location to a physician or podiatrist at another site for the purpose of diagnostic or therapeutic assistance.

(4) “Telemedicine” means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication, audio only telephone calls, or other means of interaction between a physician or podiatrist in one location and a patient in another location, with or without an intervening health care provider.

(5) “Telemedicine technologies” means technologies and devices which enable secure ~~electronic~~ communications and information exchange in the practice of telemedicine, and typically involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring or store and forward digital image technology, or audio only telephone calls to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a physician or podiatrist and a patient.

(b) *Licensure or registration.* –

(1) The practice of medicine occurs where the patient is located at the time the telemedicine technologies are used.

(2) A physician or podiatrist who practices telemedicine must be licensed as provided in this article or registered as provided in §30-1-1 et seq. of this code.

(3) This section does not apply to:

(A) An informal consultation or second opinion, at the request of a physician or podiatrist who is licensed to practice medicine or podiatry in this state: *Provided*, That the physician or podiatrist requesting the opinion retains authority and responsibility for the patient's care; and

(B) Furnishing of medical assistance by a physician or podiatrist in case of an emergency or disaster, if no charge is made for the medical assistance.

(c) *Physician-patient or podiatrist-patient relationship through telemedicine encounter.* –

(1) A physician-patient or podiatrist-patient relationship may not be established through:

~~(A) Audio-only communication;~~

~~(B) Text-based communications such as e-mail, Internet questionnaires, text-based messaging, or other written forms of communication; or~~

~~(C) Any combination thereof.~~

(2) If an existing physician-patient or podiatrist-patient relationship does not exist prior to the utilization to telemedicine technologies, or if services are rendered solely through telemedicine technologies, a physician-patient or podiatrist-patient relationship may only be established:

(A) Through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing, or similar secure video services during the initial physician-patient or podiatrist-patient encounter; or

(B) For the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies; or

(C) Through the use of audio-only calls or conversations that occur in real time. Patient communication through audio-visual communication is preferable, if available or possible. Audio-only calls or conversations that occur in real time may be used to establish the physician-patient relationship.

(3) Once a physician-patient or podiatrist-patient relationship has been established, either through an in-person encounter or in accordance with subdivision (2) of this subsection, the physician or podiatrist may utilize any telemedicine technology that meets the standard of care and is appropriate for the patient presentation.

(d) *Telemedicine practice.* –

A physician or podiatrist using telemedicine technologies to practice medicine or podiatry shall:

(1) Verify the identity and location of the patient;

(2) Provide the patient with confirmation of the identity and qualifications of the physician or podiatrist;

(3) Provide the patient with the physical location and contact information of the physician;

(4) Establish or maintain a physician-patient or podiatrist-patient relationship that conforms to the standard of care;

(5) Determine whether telemedicine technologies are appropriate for the patient presentation for which the practice of medicine or podiatry is to be rendered;

(6) Obtain from the patient appropriate consent for the use of telemedicine technologies;

(7) Conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the patient presentation;

(8) Create and maintain health care records for the patient which justify the course of treatment and which verify compliance with the requirements of this section; and

(9) The requirements of §30-3-13(a)(1) through §30-3-13(a)(8) of this code do not apply to the practice of pathology or radiology medicine through store and forward telemedicine.

(e) *Standard of care.* –

The practice of medicine or podiatry provided via telemedicine technologies, including the establishment of a physician-patient or podiatrist-patient relationship and issuing a prescription via electronic means as part of a telemedicine encounter, are subject to the same standard of care, professional practice requirements and scope of practice limitations as traditional in-person physician-patient or podiatrist-patient encounters. Treatment, including issuing a prescription, based solely on an online questionnaire, does not constitute an acceptable standard of care.

(f) *Patient records.* –

The patient record established during the use of telemedicine technologies shall be accessible and documented for both the physician or podiatrist and the patient, consistent with the laws and legislative rules governing patient health care records. All laws governing the confidentiality of health care information and governing patient access to medical records shall apply to records of practice of medicine or podiatry provided through telemedicine technologies. A physician or podiatrist solely providing services using telemedicine technologies shall make documentation of the encounter easily available to the patient, and subject to the patient's consent, to any identified care provider of the patient.

(g) *Prescribing limitations.* –

(1) A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act: Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(2) The prescribing limitations in this subsection do not apply when a physician is providing treatment to patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, or the American Academy of Pediatrics.

The physician must maintain records supporting the diagnosis and the continued need of treatment.

(3) The prescribing limitations in this subsection do not apply to a hospital, excluding the emergency department, when a physician submits an order to dispense a controlled substance, listed in Schedule II of the Uniform Controlled Substances Act, to a hospital patient for immediate administration in a hospital.

(4) A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in ~~Schedules Schedule II through V~~ of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter; Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(5) A physician or health care provider may not prescribe any drug with the intent of causing an abortion. The term "abortion" has the same meaning ascribed to it in §16-2F-2 of this code.

(h) *Exceptions.* –

This article does not prohibit the use of audio-only or text-based communications by a physician or podiatrist who is:

(1) Responding to a call for patients with whom a physician-patient or podiatrist-patient relationship has been established through an in-person encounter by the physician or podiatrist;

(2) Providing cross coverage for a physician or podiatrist who has established a physician-patient or podiatrist-patient relationship with the patient through an in-person encounter; or

(3) Providing medical assistance in the event of an emergency.

(i) *Rulemaking.* –

The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine may propose joint rules for legislative approval in accordance with §29A-3-1 ~~et seq.~~, of this code to implement standards for and limitations upon the utilization of telemedicine technologies in the practice of medicine and podiatry in this state.

(j) *Preserving traditional physician-patient or podiatrist-patient relationship.* –

Nothing in this section changes the rights, duties, privileges, responsibilities, and liabilities incident to the physician-patient or podiatrist-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient or podiatrist-patient relationship. This section does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-12d. Telemedicine practice; requirements; exceptions; definitions; rulemaking.

(a) *Definitions.* – For the purposes of this section:

(1) “Chronic nonmalignant pain” means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. “Chronic nonmalignant pain” does not include pain associated with a terminal condition or illness or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition or illness.

(2) “Physician” means a person licensed or registered by the West Virginia Board of Osteopathic Medicine to practice osteopathic medicine in West Virginia.

(3) “Store and forward telemedicine” means the asynchronous computer-based communication of medical data or images from an originating location to a physician at another site for the purpose of diagnostic or therapeutic assistance.

(4) “Telemedicine” means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication, audio only telephone calls, or other means of interaction between a physician in one location and a patient in another location, with or without an intervening health care provider.

(5) “Telemedicine technologies” means technologies and devices which enable secure ~~electronic~~ communications and information exchange in the practice of telemedicine, and typically involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring or store and forward digital image technology, or audio only telephone calls, to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a physician and a patient.

(b) *Licensure or registration*. –

(1) The practice of medicine occurs where the patient is located at the time the telemedicine technologies are used.

(2) A physician who practices telemedicine must be licensed as provided in this article or registered as provided in §30-1-1 et seq. of this code.

(3) This section does not apply to:

(A) An informal consultation or second opinion, at the request of a physician who is licensed to practice medicine in this state: *Provided*, That the physician requesting the opinion retains authority and responsibility for the patient’s care; and

(B) Furnishing of medical assistance by a physician in case of an emergency or disaster if no charge is made for the medical assistance.

(c) *Physician-patient relationship through telemedicine encounter*. –

(1) A physician-patient relationship may not be established through:

~~(A) Audio-only communication;~~

~~(B) Text-based communications such as e-mail, Internet questionnaires, text-based messaging, or other written forms of communication; ~~or~~~~

~~(C) Any combination thereof.~~

(2) If an existing physician-patient relationship is not present prior to the utilization to telemedicine technologies, or if services are rendered solely through telemedicine technologies, a physician-patient relationship may only be established:

(A) Through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing, or similar secure video services during the initial physician-patient encounter; ~~or~~

(B) For the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies; or

(C) Through the use of audio-only calls or conversations that occur in real time. Patient communication through audio-visual communication is preferable, if available or possible. Audio-only calls or conversations that occur in real time may be used to establish the physician-patient relationship.

(3) Once a physician-patient relationship has been established, either through an in-person encounter or in accordance with subdivision (2) of this subsection, the physician may utilize any telemedicine technology that meets the standard of care and is appropriate for the patient presentation.

(d) *Telemedicine practice.* – A physician using telemedicine technologies to practice medicine shall:

(1) Verify the identity and location of the patient;

(2) Provide the patient with confirmation of the identity and qualifications of the physician;

(3) Provide the patient with the physical location and contact information of the physician;

(4) Establish or maintain a physician-patient relationship which conforms to the standard of care;

(5) Determine whether telemedicine technologies are appropriate for the patient presentation for which the practice of medicine is to be rendered;

(6) Obtain from the patient appropriate consent for the use of telemedicine technologies;

(7) Conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the patient presentation;

(8) Create and maintain health care records for the patient which justify the course of treatment and which verify compliance with the requirements of this section; and

(9) The requirements of §30-3-13(a)(1) through §30-3-13(a)(8) of this code do not apply to the practice of pathology or radiology medicine through store and forward telemedicine.

(e) *Standard of care.* –

The practice of medicine provided via telemedicine technologies, including the establishment of a physician-patient relationship and issuing a prescription via electronic means as part of a telemedicine encounter, are subject to the same standard of care, professional practice requirements, and scope of practice limitations as traditional in-person physician-patient encounters. Treatment, including issuing a prescription, based solely on an online questionnaire does not constitute an acceptable standard of care.

(f) *Patient records.* –

The patient record established during the use of telemedicine technologies shall be accessible and documented for both the physician and the patient, consistent with the laws and legislative rules governing patient health care records. All laws governing the confidentiality of health care information and governing patient access to medical records shall apply to records of practice of medicine provided through telemedicine technologies. A physician solely providing services using telemedicine technologies shall make documentation of the encounter easily available to the patient, and subject to the patient's consent, to any identified care provider of the patient.

(g) *Prescribing limitations.* –

(1) A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act: Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(2) The prescribing limitations in this subsection do not apply when a physician is providing treatment to patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, or the American Academy of Pediatrics. The physician must maintain records supporting the diagnosis and the continued need of treatment.

(3) The prescribing limitations in this subsection do not apply to a hospital, excluding the emergency department, when a physician submits an order to dispense a controlled substance, listed in Schedule II of the Uniform Controlled Substances Act, to a hospital patient for immediate administration in a hospital.

(4) A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in ~~Schedules~~ Schedule II through V of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter: Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(5) A physician or health care provider may not prescribe any drug with the intent of causing an abortion. The term "abortion" has the same meaning ascribed to it in §16-2F-2 of this code.

(h) *Exceptions.* –

This section does not prohibit the use of audio-only or text-based communications by a physician who is:

(1) Responding to a call for patients with whom a physician-patient relationship has been established through an in-person encounter by the physician;

(2) Providing cross coverage for a physician who has established a physician-patient or relationship with the patient through an in-person encounter; or

(3) Providing medical assistance in the event of an emergency.

(i) *Rulemaking.* –

The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine may propose joint rules for legislative approval in accordance with §29A-3-1 ~~et seq.~~, of this code to implement standards for and limitations upon the utilization of telemedicine technologies in the practice of medicine in this state. The West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of the bill passed during the 2021 session of the Legislature.

(j) *Preservation of the traditional physician-patient relationship.* –

Nothing in this section changes the rights, duties, privileges, responsibilities, and liabilities incident to the physician-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient relationship. This section does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

CHAPTER 33. INSURANCE.

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-57-1. Coverage of telehealth services.

(a) The following terms are defined:

(1) “Distant site” means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient’s health care practitioner.

(2) “Established patient” means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

~~(2)~~ (3) “Health care practitioner” means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

~~(3)~~ (4) “Originating site” means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner’s office,

hospital, critical access hospital, rural health clinic, federally qualified health center, a patient's home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

(4) (5) "Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

(5) (6) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio-only telephone calls~~ e-mail messages or facsimile transmissions.

(7) "Virtual telehealth" means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

(b) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2020, shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

(c) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2020, may not exclude a service for coverage solely because the service is provided through telehealth services.

(d) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for the virtual telehealth encounter. An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

(e) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(f) An originating site may charge an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code a site fee.

(g) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

Following discussion,

The question being on the adoption of the Health and Human Resources committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2024), as amended, was then ordered to third reading.

Eng. House Bill 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license.

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

Eng. House Bill 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund.

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

Eng. Com. Sub. for House Bill 2789, Supplementing and amending the appropriations to Public Defender Services.

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

Eng. Com. Sub. for House Bill 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management.

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

Eng. Com. Sub. for House Bill 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry.

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

Eng. House Bill 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

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

(Senator Swope in the Chair.)

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 395, Expanding PEIA Finance Board membership.

Com. Sub. for Senate Bill 398, Limiting eligibility of certain employers to participate in PEIA plans.

Com. Sub. for Senate Bill 478, Permitting use of established federal marketplace programs to purchase supplies.

Com. Sub. for Senate Bill 479, Relating to WV veterans service decoration and WV Service Cross.

Com. Sub. for Senate Bill 586, Providing WV veterans discounts on fees and charges at state parks.

And,

Eng. House Bill 2905, Relating to repealing the prohibition against the use of certain words.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Roberts, Maynard, and Takubo.

The Senate then proceeded to the thirteenth order of business.

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 18, 2021:

Senate Bill 77: Senator Lindsay;

Senate Bill 82: Senator Lindsay;

Senate Bill 361: Senator Woodrum;

Senate Bill 446: Senator Grady;

Senate Bill 486: Senator Woodrum;

Senate Bill 567: Senator Grady;

Senate Bill 583: Senator Woelfel;

Senate Bill 610: Senator Plymale;

Senate Bill 657: Senator Grady;

Senate Bill 658: Senators Baldwin, Woodrum, Romano, Rucker, Lindsay, and Phillips;

Senate Bill 659: Senators Stollings and Plymale;

Senate Bill 662: Senator Stollings;

Senate Bill 665: Senators Rucker, Swope, Smith, and Lindsay;

Senate Concurrent Resolution 31: Senator Caputo;

And,

Senate Resolution 22: Senator Beach.

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

On motion of Senator Takubo, at 11:37 a.m., the Senate adjourned until Monday, March 22, 2021, at 11 a.m.

SENATE CALENDAR

**Monday, March 22, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 35 - US Air Force LT COL Robert J. Hill Memorial Road
- S. C. R. 36 - US Army SP4 Warner Ray Osborne Memorial Bridge
- S. C. R. 37 - Nitro WW I Living Memorial Bridge
- S. C. R. 38 - USMC SSGT Herbert "Herbie" Barnes Memorial Bridge
- S. C. R. 39 - Birthplace of Alabama Coach Nick Saban
- S. R. 23 - Designating March 2021 as Red Cross Month
- H. C. R. 9 - Urging Congress to call a convention of states to limit terms of office of the US House of Representatives

THIRD READING

- Eng. Com. Sub. for S. B. 36 - Relating to WV Secondary School Activities Commission audits
- Com. Sub. for S. B. 569 - Relating to damages for medical monitoring - (With right to amend)
- Eng. Com. Sub. for S. B. 636 - Requiring certain history and civics courses be taught in schools
- Eng. Com. Sub. for H. B. 2024 - Expand use of telemedicine to all medical personnel (original similar to SB273)
- Eng. H. B. 2701 - Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license (original similar to SB433)
- Eng. H. B. 2788 - Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund
- Eng. Com. Sub. for H. B. 2789 - Supplementing and amending the appropriations to Public Defender Services
- Eng. Com. Sub. for H. B. 2802 - Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management
- Eng. Com. Sub. for H. B. 2803 - Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry
- Eng. H. B. 2804 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021

SECOND READING

- Com. Sub. for S. B. 395 - Expanding PEIA Finance Board membership
- Com. Sub. for S. B. 398 - Limiting eligibility of certain employers to participate in PEIA plans
- Com. Sub. for S. B. 478 - Permitting use of established federal marketplace programs to purchase supplies
- Com. Sub. for S. B. 479 - Relating to WV veterans service decoration and WV Service Cross
- Com. Sub. for S. B. 509 - Removing requirement that determination of medical stability be found prior to admission to mental health facility
- Com. Sub. for S. B. 586 - Providing WV veterans discounts on fees and charges at state parks (original similar to HB3171)
- Eng. H. B. 2905 - Relating to repealing the prohibition against the use of certain words - (Com. title amend. pending)

FIRST READING

- Com. Sub. for S. B. 361 - Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor
- Com. Sub. for S. B. 436 - Relating generally to solid waste facilities
- S. B. 486 - Relating to powers and duties of Chief Technology Officer
- Com. Sub. for S. B. 487 - Updating Division of Purchasing procurement and spending thresholds
- Com. Sub. for S. B. 551 - Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will
- Com. Sub. for S. B. 565 - Relating generally to elections
- S. B. 577 - Exempting certain fire departments from licensure requirements for providing rapid response services
- Com. Sub. for S. B. 590 - Removing restriction preventing medical marijuana from being in edible form
- Com. Sub. for S. B. 610 - Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV
- S. B. 644 - Exempting certain persons pursuing degree in speech pathology and audiology from license requirements
- S. B. 651 - Allowing county boards of education to publish financial statements on website
- Com. Sub. for S. B. 658 - Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children
- Eng. Com. Sub. for H. B. 2621 - Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not

firefighters to be members of a department, and require the postings of fire department evaluations (original similar to SB471)

Eng. Com. Sub. for H. B. 2797 - Declaring certain claims to be moral obligations of the State

Eng. H. B. 2854 - Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System

Eng. Com. Sub. for H. B. 2855 - Relating to the Natural Resources Police Officers Retirement System

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Monday, March 22, 2021

2 p.m.

Banking & Insurance

(Room 451M)