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FORTY-FIFTH DAY

Friday, March 26, 2021

FORTY-FIFTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, March 25, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 439, H. B. 2721 and H. B. 3305 on Second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2933, on Third reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Barrett, Storch, Hardy, Rowe, Williams, Pethtel, Howell and Criss:

H. B. 3308 - "A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended; relating to increasing number of limited video lottery terminals allowed at certain licensed limited video lottery retailer locations; removing superseded provisions; and establishing an effective date."

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Barrett, Hardy, Storch, Howell, Pethtel, Williams, Rowe and Criss:

H. B. 3309 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22B-1305; and to amend and reenact §29-22B-1408 of the code, all relating to creating and funding a Video Lottery Terminals Modernization Fund to provide funds from which each person authorized to own and operate one or more limited video lottery terminals in this state may recoup costs to replace the limited video lottery terminals; and requiring retention of refinanced terminals at a location in the state for a minimum specified period."

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 294, Relating generally to savings and investment programs offered by state,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 294) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3074, Relating to information on organ and tissue donations,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3074 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-19-24, relating to information on organ and tissue donations; requiring the state's Department of Education to develop information to be made available to students in grades nine through 12; allowing parents of children to opt out of receiving instruction or materials relating to anatomical donation; and authorizing public and private institutions of higher education to provide information to its students,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2884, To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2884 - "A Bill to amend and reenact §29B-1-2 and §29B-1-4 of the Code of West Virginia, 1931, as amended, all relating to exempting customer records of publicly-administered utility enterprises from production under the Freedom of Information Act; defining 'publicly-administered utility enterprise'; establishing exemption from production; and allowing certain uses and disclosures of information under certain circumstances,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2730, Relating to persons filing federal bankruptcy petition to exempt certain property of the estate,

H. B. 2918, Relating to Family Drug Treatment Court,

H. B. 2997, Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel,

And,

H. B. 3089, Make utility workers essential employees during a state of emergency,

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

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3286, Making a supplementary appropriation to the Division of Human Services – Child Care and Development,

H. B. 3287, Making a supplementary appropriation to the Department of Homeland Security,

H. B. 3288, Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR,

H. B. 3289, Supplementary appropriation to the Department of Commerce, Geological and Economic Survey,

H. B. 3291, Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services,

And,

H. B. 3292, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health,

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

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3030, Relating to gross weight limitations and road restrictions in Greenbrier and Pocahontas Counties,

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

Delegate Foster, Vice Chair of the Committee on Government Organization submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3127, Relating to Public Utilities Audit,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3127 - "A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended, relating to creating powers and duties of the State Auditor to audit public utility tax returns; clarifying that the State Auditor is to audit or review the apportionment information filed in the regular course of business for public utilities; providing subpoena power for the State Auditor to compel attendance of witnesses or to produce books and papers; establishing a civil penalty and directing penalties to the Public Utilities Tax Loss Restoration fund; and defining the term review,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 3127) was referred to the Committee on Finance.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3295, Making a supplemental appropriation to Division of Human Services and Division of Health Central Office,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3295 - "A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506, by supplementing and amending appropriations for the fiscal year ending June 30, 2021,"

And,

H. B. 3297, Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3297 - "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,”

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2024, Expand use of telemedicine to all medical personnel.

Delegate Summers moved the House concur in the Senate amendment of the bill, with further amendment.

Subsequently, unanimous consent having been obtained, further consideration was postponed until the conclusion of bills on third reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 509 - “A Bill to amend and reenact §27-5-3 and §27-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §27-5-3a, all relating to involuntary hospitalization; requesting the Supreme Court of Appeals to provide training to specified persons on medical conditions mimicking, causing, or contributing to a psychiatric presentation; providing that magistrate or mental hygiene commissioner may determine individual be evaluated for medical condition; removing a requirement that a determination of medical stability be found prior to admission to a mental health facility; providing that a physical may be provided to the individual upon admission to the mental health facility; providing that if after entry of order of involuntary hospitalization is entered the cause is determined to be medical rather than physical this shall not serve to make the person banned from possessing a firearm; and requiring specified persons to transport to a diversion facility as designated by the chief medical officer of the state hospital”; which was referred to the Committee on Health and Human Resources then the Judiciary.

Resolutions Introduced

Delegate Hanna offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 73 - “Requesting the Division of Highways name the intersection of WV 82 and WV 20 in Cowan, Webster County, the ‘Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection’.”

Whereas, Fire Chief Joseph Allen Wyatt graduated from Cowen High School in 1966. He attended Potomac State College and graduated from West Virginia University. He was in the United States Army Reserves for nearly 15 years, having achieved the rank of First Lieutenant; and

Whereas, Fire Chief Wyatt was a substitute teacher, worked for the West Virginia Alcohol Beverage Commission before becoming Sanitarian for the Webster County Health Department. Fire Chief Wyatt later worked for the West Virginia Department of Health and Human Resources as Assistant Director of Environmental Health, Infectious Medical Waste Division; and

Whereas, Fire Chief Wyatt had been a President of the West Virginia Public Health Association, a member of Trinity United Methodist Church in Cowen, West Virginia, and had a first degree black belt of Budo Ki Karate; and

Whereas, Fire Chief Wyatt was active in the local volunteer Emergency Medical Services, and joined Cowen Volunteer Fire Department in the early 1960s and spent more than 30 years as a member until he retired in the early 2000s. He also taught Firemanship 1, 2, and 3 as well as Hazardous Material Classes for RESA Certified EMT, and was a certified instructor for First Aid; and

Whereas, Fire Chief Wyatt was Fire Chief of the Cowen Volunteer Fire Department until he passed away in May of 2009; and

Whereas, Fire Chief Joseph Allen Wyatt's life was an outstanding example of dedicated public service and it is fitting to name the intersection in Webster County, West Virginia, "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the intersection of WV 82 and WV 20 in Cowan, Webster County, the "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the intersection as the "Joseph Allen Wyatt, Fire Chief of Cowen Volunteer Fire Department Memorial Intersection"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Mazzocchi offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 74 - "Requesting that bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the 'Sergeant John B. Short Memorial Bridge'."

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and, upon his return married Ruby K. Nunley Short. They had seven children. John retired as Chief Electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the "Sergeant John B. Short Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Sergeant John B. Short Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Boggs and Doyle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 75 - "Requesting the Division of Highways name bridge number 04-035/02-003.09 (04A196)" locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the 'U. S. Army Corporal Charles William "Bill" Knight Memorial Bridge'."

Whereas, Bill Knight was born on August 22, 1921, in Braxton County, West Virginia, a son of the late Charles Wesley and Jessie Barker Knight; and

Whereas, Bill loved the land, loved farming the land, and loved calling Burnsville, WV his home; and

Whereas, Stories are told of Bill's grandfather floating timber from the family land to Parkersburg, and then taking the three day walk home, and this is the work ethic that Bill learned and exemplified; and

Whereas, Bill entered into service in the United States Army in 1942, stationed in Maryland and serving as a firefighter; and

Whereas, Corporal Knight received the United States Army Good Conduct Medal for his service, and was a proud member of the American Legion Post #33; and

Whereas, Bill was a heavy equipment operator, mechanic, timberman and construction worker in his lifetime, and a devoted member of the Little Kanawha Independent Church, Burnsville, WV; and

Whereas, Charles William Knight passed away at the age of 89, surrounded by his loved ones, on October 4, 2010, and memories of him are treasured by his children and friends; and

Whereas, It is fitting that an enduring memorial be established to U.S. Army Corporal Charles William "Bill" Knight 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 number Requesting the Division of Highways name bridge number 04-035/02-003.09 (04A196) locally known as the Hyers Run

Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the "U. S. Army Corporal Charles William "Bill" Knight 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 Corporal Charles William "Bill" Knight Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 76 - "Requesting the Division of Highways name bridge number 04-019/26-008.08 (04A166)" locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the "U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge".

Whereas, Byrne Lee was born on January 29, 1926, in Braxton County, West Virginia, and lived in Exchange, WV for most of his life; and

Whereas, Byrne Lee was a dedicated employee for Braxton County Schools, safely transporting children for twenty-six years; and

Whereas, Byrne Lee served his country valiantly in the United States Navy during World War II, and was notably honored with the Asiatic/ Pacific Theater Medal, the WWII Victory Medal, Philippine Liberation Unit (1 Star), commemoration of the USS White Plains (the ship he served on) and Presidential Unit Citation Point system; and

Whereas, Byrne Lee and his wife, Betty, hosted the annual Exchange Homecoming for thirteen years straight, and is described as an inspiration by his three children; and

Whereas, Byrne Lee was a devoted member of the American Legion Post #33; and

Whereas, Byrne Lee passed away at the age of 81, surrounded by his loved ones, on January 10, 2007; and

Whereas, it is fitting that an enduring memorial be established to Byrne Lee Singleton 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 number 04-019/26-008.08 (04A166) locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the "U.S. Navy Seaman 1st Class Byrne Lee Singleton 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. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Cooper and J. Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 77 - "Requesting the Division of Highways name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the 'Elmer Galford Memorial Road'."

Whereas, Elmer Lee Galford was born November 26, 1947, at Gap Mills in Monroe County, West Virginia, to Price and Thelma Hudnall Galford; and

Whereas, He attended Monroe County Schools and graduated from Gap Mills High School; and

Whereas, Elmer Galford graduated from the West Virginia State Police Academy and started a long career in law enforcement, including service as a city police officer, Deputy Sheriff, and two terms as Sheriff of Monroe County; and

Whereas, Elmer Galford eventually retired from law enforcement and with his wife, Katie, established Galford's Country Store at Pickaway, which they ran for many years; and

Whereas, Elmer Galford was well known for his participation in, and contributions to, community activities and during his lifetime he was an active member of the Lindside Volunteer Fire Department, the Rock Camp/Wikel Ruritan Club, and the Monroe County Republican Club, in various times serving as the president of each of these organizations; and

Whereas, Elmer Galford served for many years as the organizer of the Fourth of July and Veteran's Day Parades in Lindside, West Virginia; and

Whereas, Elmer Galford passed away on November 16, 2020; and

Whereas, It is fitting that an enduring memorial be established to commemorate former Sheriff and community leader Elmer Galford and his contributions to his state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the "Elmer Galford 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 "Elmer Galford Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Motions

Delegate J. Jeffries was recognized and moved, pursuant to House Rule 82, that H. B. 2869 be discharged from the Committee on the Judiciary and read a first time.

Delegate Summers moved that the motion be tabled.

On this question, the yeas and nays were demanded, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 285**), and there were—yeas 75, nays 20, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bates, Conley, Dean, Gearheart, Horst, J. Jeffries, Jennings, Longanacre, Martin, McGeehan, Paynter, Phillips, Pushkin, Reed, Reynolds, Smith, Thompson, Walker, B. Ward and G. Ward.

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the motion was laid upon the table.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were reported by the Clerk, and in the absence of objection, considered en masse, and adopted:

Com. Sub. for H. C. R. 17, U. S. Army SSG James C. Vickers Highway,

Com. Sub. for H. C. R. 22, Bill O'Dell Memorial Bridge,

H. C. R. 27, Harvey Lemasters Memorial Bridge,

And,

H. C. R. 38, U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge.

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

H. C. R. 68, Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 70, Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

Third Reading

S. B. 67, Relating to authority of Emergency Medical Services Advisory Council; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 286**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 67) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 287**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 67) takes effect from its passage.

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

Com. Sub. for S. B. 356, Allowing for written part of drivers' exam given in high school drivers' education course; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 288**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 356) passed.

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

S. B. 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 289**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 390) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 290**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 390) takes effect from its passage.

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

Com. Sub. for S. B. 431, Relating to school attendance notification requirements to DMV; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 291**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Martin.

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 431) passed.

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

Com. Sub. for S. B. 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 292**), and there were—yeas 75, nays 21, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 435) passed.

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

Com. Sub. for H. B. 2145, Relating to student aide class titles; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 293**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Foster and Kimes.

Absent and Not Voting: Bruce, Ellington, L. Pack, Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2145) passed.

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

Com. Sub. for H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 294**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates and Young.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2573) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2573 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, §5B-10-3, §5B-10-4, §5B-10-5, §5B-10-6, §5B-10-7, §5B-10-8 and §5B-10-9, and to amend and reenact §12-4-14 of said code; all generally relating to providing transparency regarding the spending of public monies; enacting the West Virginia Development Achievements Transparency Act; providing a short title for the West Virginia Development Achievements Transparency Act; providing legislative purpose and findings; providing for definitions; outlining reporting requirements for entities providing a development subsidy; directing the Auditor to create a searchable website to view development subsidy data; detailing the items required to be provided on the Auditor’s searchable website; protecting confidentiality of certain subsidy data; providing that a granting body may compile information from a recipient corporation; providing that a granting body shall review information from a recipient corporation to ensure reasonable accuracy; providing that the State Auditor shall publish a list detailing any granting body or recipient corporation that fails to comply with article 9, chapter 5B of this code; providing that the Auditor shall publish a list of any granting body or

recipient corporation that intentionally submits false, misleading, or fraudulent information; providing that the Auditor shall notify the Joint Committee on Government and Finance of any granting body or recipient corporation that intentionally submits false, misleading or fraudulent information; permitting the Auditor to hold public hearings or training sessions to ensure compliance with the article; reenacting §12-4-14 of this code as the West Virginia Grant Transparency and Accountability Act; providing a short title for West Virginia Grant Transparency and Accountability Act; providing legislative intent; defining terms; providing that any grantee of state grant funds that grants said funds to a subgrantee, such funds shall be treated as a state grant; providing that the Auditor shall notify the Treasurer regarding any grantor agency that fails to comply with reporting and recordkeeping provisions of this code and that such agency shall not encumber or expend grant funds until State Auditor determines that reporting and recordkeeping are brought into compliance with this code; requiring each state grantmaking agency designate a Chief Accountability Officer; allowing grantor agencies or the State Auditor to issue stop payment orders; requiring the State Auditor to maintain a searchable and publicly accessible database of state grants; requiring State Auditor, in cooperation with state grant making agencies, to promulgate legislative, procedural and interpretive rules regarding stop payment procedures; providing for informal conference to resolve conflicts between grantor agency and grantee when grantor agency reasonably believes grant funds are subject to recovery; providing formal procedures for grantor agency to follow to determine if grant funds are subject to recovery, including notice and hearing requirements; requiring grantor agencies to take affirmative and timely action to recover misspent and improperly held grant funds, once said funds are determined to be misspent or improperly held; providing grantor agencies methods to recover misspent or improperly held grant funds; allowing the Attorney General to take action to recover any grants funds that have been misapplied or improperly held; creating a special revenue fund known as the Grant Recovery Fund for recovered grant funds for which the use is not restricted by law or otherwise appropriated; providing for rulemaking by the State Auditor; requiring the State Auditor to adopt conflicts of interest policies for state grants and requiring grantors, grantees, and subgrantees to disclose such conflicts; changing the notification requirement from the Legislative Auditor to the State Auditor for state agencies administering a state grant; requiring the State Auditor to maintain a debarred list in the form of a computerized database accessible by state agencies and the public, with public disclosure to the extent allowed by federal law; defining prohibited political activity; requiring grantors, grantees, subgrantees, and personnel thereof to not use grant funds for prohibited political activities or to be knowingly compensated with grant funds for prohibited political activities; providing exception for 501(c)(3) and 501(c)(4) organizations that receive state grant funds for federally permissible advocacy; providing criminal penalties; and providing for reporting by the State Auditor to the Joint Legislative Committee on Government and Finance that demonstrates efficiencies cost savings, and reductions in fraud, waste and abuse.”

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

Com. Sub. for H. B. 2694, Create the 2nd Amendment Preservation Act; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

On motion of Delegate D. Jeffries, the bill was amended on page five, section four, line one, by striking out section four in its entirety and inserting in lieu thereof the following:

“§61-7B-4. Attorney General to publish model policies.

The Attorney General, by January 1, 2022, and as often thereafter as the Attorney General deems necessary, shall publish model policies for agencies of this state, political subdivisions of this state, and employees of agencies or political subdivisions of this state to provide guidance on limiting assistance with federal law enforcement under this article, to the fullest extent possible consistent with federal and state law.”

On motion of Delegate Capito, the bill was amended on page 4, section 3, line 45, by striking out subdivision (b)(1) and inserting in lieu thereof the following:

“(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of state law that is detected during an unrelated law enforcement activity.”

There being no further amendments, and having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 74, nays 22, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, D. Kelly, Lovejoy, Pushkin, Rowe, Skaff, Storch, Walker, Westfall, Williams, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2694) passed.

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

Com. Sub. for H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft; on third reading, coming up in regular order, was reported by the Clerk.

Unanimous consent was obtained to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Capito, the bill was amended on page 1, section 1, line 3, after the word “code,” by striking out the word “may” and inserting in lieu thereof the word “shall”.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 296**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Hardy, Kimes and Queen.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2726) passed.

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

Com. Sub. for H. B. 2842, Preventing cities from banning utility companies in city limits; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 297**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer, Pushkin, Thompson and Young.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2842) passed.

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

Com. Sub. for H. B. 2933, Anti-Discrimination Against Israel Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 298**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Pritt.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2933) passed.

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

Com. Sub. for H. B. 2981, Providing veterans with suicide prevention assistance; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 299**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2981) passed.

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

Com. Sub. for H. B. 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 300**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3254) passed.

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

Com. Sub. for H. B. 3266, Providing for termination of extracurricular contact upon retirement; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 301**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Brown, Dean and Lovejoy.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3266) passed.

Delegate Summers moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 302**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Dean and Paynter.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3266) takes effect July 1, 2021.

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

H. B. 3299, Authorizing Higher Education Rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 303**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Hanna, Miller and Paynter.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3299) passed.

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

H. B. 3300, Relating to reducing personal income tax rates generally; on third reading, coming up in regular order, with amendments pending, was, on motion of Delegate Summers, postponed one day.

Delegate Rowe then arose to move that the postponement also include the right to amend on third reading.

The Speaker replied that a rule suspension motion would be in order but the postponement motion had been acted upon.

H. B. 3301, Relating generally to property tax increment financing districts; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 304**), and there were—yeas 90, nays 2, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Martin and Paynter.

Absent and Not Voting: Bruce, Ellington, Gearheart, Graves, Howell, L. Pack, Steele and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3301) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 305**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Bruce, Ellington, Graves, McGeehan, L. Pack, Queen, Steele and Wamsley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3301) takes effect from its passage.

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

Having been postponed in earlier proceedings, the House returned to further consideration of the Senate Message on Com. Sub. for H. B. 2024.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate, with further amendment:

On page one, 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 though 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.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2024 – “A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance

Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients or for care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; removing restrictions on prescriptive authority; providing exceptions to prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions; and providing for effective date.”

With the further amendment, sponsored by Delegate Summers, being as follows:

On page 2, section 7b, line 38, after the word, ‘patient’ by inserting a comma;

On page 3, section 28, line 6, after the word, “patient”, by inserting a comma;

On page 4, section 26, line 2, by inserting the following: “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.”

On page 4, section 26, line 2, by striking out the definition of “health care practitioner” and inserting a new definition as follows: “Health care practitioner” means a person authorized to practice under §30-3-1 et seq., §30-3E-1 et seq., §30-4-1 et seq., §30-5-1 et seq., §30-7-1 et seq., §30-7A-1 et seq., §30-8-1 et seq., §30-10-1 et seq., §30-14-1 et seq., §30-16,1 et seq., §30-20-1 et seq., §30-20A-1 et seq., §30-21-1 et seq., §30-23-1 et seq., §30-26-1 et seq., §30-28-1 et seq., §30-30-1 et seq., §30-31-1 et seq., §30-32-1 et seq., §30-34-1 et seq., §30-35-1 et seq., §30-36-1 et seq., §30-37-1 et seq. and any other person licensed under this chapter that provides health care services.”

On page 4, section 26, line 16, by striking the word, “already”;

On page 4 section 26, line 21, by striking “telehealth technologies are used” and inserting the words, “telehealth services are provided;”

On page 5, section 26, line 24, by striking subdivision (A) and inserting in lieu thereof a new subdivision (A) to read as follows, “(A) Licensed in good standing in all states in which he or she is licensed and not currently under investigation or subject to an administrative complaint; and”;

And,

On page 5, section 26, line 33, by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows, “(4) The standard of care for the provision of telehealth services. 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. This requirement may be suspended, in the discretion of the health care practitioner, on a case-by-case basis, and it does not to the following services: acute inpatient

care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care.”

And,

On page 5, section 26, line 41, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 6, section 26, line 51, by striking, “accepting a registration” and inserting, “registering”;

And,

On page 10, section 13a, line 95, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 10, section 13a, line 112, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 15, section 12d, line 93, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 15, section 13a, line 111, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 19, section 1, line 45, after the word, patient by inserting a comma.

And,

The further title amendment sponsored by Delegate Summers, amending the title of the bill to read as follows:

Com. Sub. for H. B. 2024 – “A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth; defining terms; establishing reimbursement for telehealth services at a negotiated rate for virtual telehealth encounters; establishing reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients or for care rendered on a consulting basis to a patient located in an acute care facility; establishing a registration; permitting health care practitioners licensed in other states to practice in West Virginia using telehealth services; providing emergency rule-making authority;

setting forth requirements for registration; permitting a fee for registration; establishing that a registrant is subject to this jurisdiction; placing a cap on the fee; providing for when the physician-patient relationship is established; providing for how a physician-patient relationship is established; removing restrictions on prescriptive authority; providing exceptions to prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions; and providing for effective date.”

The bill, as amended by the Senate, and further amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 306**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: Linville.

Absent and Not Voting: Booth, Bruce, Ellington, Graves, McGeehan, L. Pack, Steele, Wamsley and Zatezalo.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2024) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 307**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Bruce, Ellington, Graves, McGeehan, L. Pack, Steele, Wamsley and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2024) takes effect from its passage.

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

Second Reading

Com. Sub. for H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2793, Permit out of state residents to obtain West Virginia concealed carry permits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2962, Relating generally to dental practice; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Pack, the bill was amended on page 1, after the article heading, by inserting the following:

“§30-4-8. License to practice dentistry.

(a) The board shall issue a license to practice dentistry to an applicant who meets the following:

(1) Is at least 18 years of age;

(2) ~~Is of good moral character~~ Does not have any criminal convictions which would bar the applicant's licensure pursuant to §30-1-24 of this code;

(3) Is a graduate of and has a diploma from a school accredited by the Commission on Dental Accreditation or equivalently approved dental college, school, or dental department of a university as determined by the board;

(4) Has passed a national board examination as given by the Joint Commission on National Dental Examinations and a clinical examination administered by the Commission on Dental Competency Assessments, the Central Regional Dental Testing Service, the Council of Interstate Testing Agencies, the Southern Regional Testing Agency, or the Western Regional Examining Board, or the successor to any of those entities, which demonstrates competency, and passed each individual component with no compensatory scoring in:

(A) Endodontics, including access opening of a posterior tooth and access, canal instrumentation, and obturation of an anterior tooth;

(B) Fixed prosthodontics, including an anterior crown preparation and two posterior crown preparations involving a fixed partial denture factor;

(C) Periodontics, including scaling and root planing ~~in a patient-based clinical setting; and~~ and

(D) Restorative, including a class II amalgam or composite preparation and restoration and a class III composite preparation and restoration, ~~in a patient-based clinical setting; and~~

(E) The board may consider clinical examinations taken prior to July 1, 2019, or individual state clinical examinations as equivalent which demonstrates competency.

(5) Has not been found guilty of cheating, deception, or fraud in the examination or any part of the application;

(6) Has paid the application fee specified by rule; ~~and~~

(7) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the

board, be evidenced by participation in a 12-step program or other similar group or process, may be considered; and

(8) Meets the other requirements specified by rule.

(b) A dentist may not represent to the public that he or she is a specialist in any branch of dentistry or limit his or her practice to any branch of dentistry unless first issued a certificate of qualification in that branch of dentistry by the board.

(c) A license to practice dentistry issued by the board shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license shall renew the license.

§30-4-10. License to practice dental hygiene.

(a) The board shall issue a dental hygienist license to an applicant who meets the following requirements:

(1) Is at least 18 years of age;

(2) ~~Is of good moral character~~ Does not have any criminal convictions which would bar the applicant's licensure pursuant to §30-1-24 of this code;

(3) Is a graduate with a degree in dental hygiene from an approved dental hygiene program of a college, school, or dental department of a university;

(4) Has passed a national board examination as given by the Joint Commission on National Dental Examinations and passed a board-approved ~~patient-based~~ examination designed to determine the applicant's level of clinical skills;

(5) Has not been found guilty of cheating, deception, or fraud in the examination or any part of the application;

(6) Has paid the application fee specified by rule; ~~and~~

(7) Is not an alcohol or drug abuser, as those terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered; and

(8) Meets the other requirements specified by rule.

(b) A dental hygienist license issued by the board and in good standing on the effective date of the amendments to this section shall for all purposes be considered a dental hygienist license issued under this section: *Provided*, That a person holding a dental hygienist license shall renew the license."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3002, Update road abandonment process; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3306, Relating to virtual instruction; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 275, Relating generally to WV Appellate Reorganization Act of 2021,

Com. Sub. for H. B. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

Com. Sub. for H. B. 2266, Relating to expanding certain insurance coverages for pregnant women,

Com. Sub. for H. B. 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property,

Com. Sub. for H. B. 2592, Require Counties and Municipalities to hold all local elections during statewide elections,

Com. Sub. for H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

Com. Sub. for H. B. 2720, Creating a Merit-Based Personnel System within DOT,

H. B. 2768, Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways,

Com. Sub. for H. B. 2769, Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles,

H. B. 2790, Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways,

H. B. 2915, Relating to public records management and preservation,

Com. Sub. for H. B. 2927, Adding Caregiving expenses to campaign finance expense,

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality,

Com. Sub. for H. B. 3106, To change the hearing requirement for misdemeanors to 10 days,

H. B. 3298, Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund,

And,

H. B. 3304, Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Bruce, Ellington, L. Pack and Steele.

At 1:05 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:00 p.m.

* * * * *

Evening Session

* * * * *

[DELEGATE J. PACK IN THE CHAIR]

The House of Delegates was called to order by the Honorable Jeffrey Pack.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had replaced Senator Takubo, with Senator Weld, on the Conference Committee to

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 474 - “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of the Division of Highways to utilize its own purchasing and contracting system and expanding the exemption from requirements of the Purchasing Division within the Department of Administration”; which was referred to the Committee on Government Organization

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 587 - “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”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 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; providing definitions; requiring that construction contracts entered into on or after July 1, 2021, provide that any civil action or arbitration called for or permitted by the contract take place in West Virginia; and providing that any provision in construction contracts mandating that civil actions or arbitrations take place outside West Virginia is unenforceable”; which was referred to the Committee on the Judiciary

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Rohrbach, Forsht, Longanacre, Mallow and Bates:

H. B. 3311 - "A Bill to amend and reenact §16-29-2 of the Code of West Virginia, 1931, as amended, relating to the cost of medical records; requiring that the cost of obtaining a medical record may not exceed a fee consistent with HIPAA; and providing clarifying technical changes."

Delegate J. Pack, Chair of 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:

H. B. 2876, Modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2876 - "A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements,"

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of 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:

H. C. R. 34, Declaring the "pepperoni roll" to be the official state food of West Virginia,

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

In accordance with the former direction of the Speaker, the bill (H. C. R. 34) was referred to the Committee on Rules.

Delegate J. Pack, Chair of 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:

H. B. 3013, Provide a state income tax credit for nurses to encourage recruitment and commitment to the profession in this state,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3013) was referred to the Committee on Finance.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

Com. Sub. for S. B. 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 502) was referred to the Committee on Finance.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

S. B. 501, Continuing and indexing of license and stamp fees,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 501) was referred to the Committee on Government Organization.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

S. B. 381, Creating nonresident three-day fishing license,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 381) was referred to the Committee on Government Organization.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2017, Rewriting the Criminal Code,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2017 – “A Bill to repeal the following sections: §55-9-1, §55-9-2, §55-9-3, §61-1-4, §61-1-5, §61-1-7, §61-1-8, §61-1-9, §61-2-5a, §61-2-9a, §61-2-9b, §61-2-9c, §61-2-9d, §61-2-10, §61-2-10a, §61-2-10b, §61-2-14a, §61-2-14b, §61-2-14c, §61-2-14d, §61-2-14e, §61-2-14f, §61-2-14g, §61-2-14h, §61-2-15a, §61-2-16a, §61-2-26, §61-2-27, §61-2-27a, §61-2-28, §61-2-29, §61-2-29a, §61-2-29b, §61-2-30, §61-3-20a, §61-3-22a, §61-3-24a, §61-3-24b, §61-3-24c, §61-3-24d, §61-3-24e, §61-3-24f, §61-3-24g, §61-3-24h, §61-3-39, §61-3-39a, §61-3-39b, §61-3-39c, §61-3-39d, §61-3-39e, §61-3-39f, §61-3-39g, §61-3-39h, §61-3-39i, §61-3-39j, §61-3-39k, §61-3-39m, §61-3-39n, §61-3-39o, §61-3-39p, §61-3-39q, §61-3-40, §61-3-41, §61-3-42, §61-3-43, §61-3-44, §61-3-45, §61-3-45a, §61-3-46, §61-3-47, §61-3-48, §61-3-48a, §61-3-49, §61-3-49a, §61-3-49b, §61-3-50, §61-3-51, §61-3-52, §61-3-53, §61-3-54, §61-3-55, §61-3-56, §61-3-57, §61-3-58, §61-3-59, §61-3A-4a, §61-3C-14a, §61-3C-14b, §61-3C-14c, §61-3E-13, §61-5-12a, §61-5-12b, §61-5-25a, §61-5-27a, §61-5-28, §61-5-29, §61-6-2, §61-6-3, §61-6-14a, §61-6-18, §61-6-19, §61-6-20, §61-6-21, §61-6-22, §61-6-23, §61-6-24, §61-6-25; §61-7-9, §61-8-2, §61-8-9a, §61-8-10, §61-8-20, §61-8-25, §61-8-26, §61-8B-18, §61-8D-6, §61-8E-1, §61-8E-2, §61-8E-3, §61-9-9, §61-9-10, §61-9-11, §61-10-7, §61-10-8, §61-10-13, §61-10-14, §61-10-19, §61-10-34, §61-11-1, §61-11-3, and §61-11A-7 of the code of West Virginia 1931, as amended; to amend and reenact §15-12-8 of said code; to amend and reenact §61-1-1, §61-1-2, §61-1-3 said code; to amend and reenact §61-2-1, §61-2-2, §61-2-3, §61-2-4, §61-2-5, §61-2-6, §61-2-7, §61-2-8, §61-2-9, §61-2-11, §61-2-12, §61-2-13, §61-2-14, §61-2-15, and §61-2-16 said code; to amend and reenact §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-8, §61-3-11, §61-3-12, §61-3-13, §61-3-14, §61-3-15, §61-3-16, §61-3-18, §61-3-19, §61-3-20, §61-3-21, §61-3-22, §61-3-23, §61-3-24, §61-3-25, §61-3-26, §61-3-27, §61-3-28, §61-3-29, §61-3-30, §61-3-31, §61-3-32, §61-3-33, §61-3-34, §61-3-35, §61-3-36, §61-3-37, and §61-3-38 said code; to amend and reenact §61-3A-3 and §61-3A-7 said code; to amend and reenact §61-3B-2, §61-3B-3, §61-3B-4, §61-3B-5, §61-3B-6, and §61-3B-7 said code; to amend and reenact §61-3C-2, §61-3C-3, §61-3C-4, §61-3C-5, §61-3C-6, §61-3C-7, §61-3C-8, §61-3C-9, §61-3C-10, §61-3C-11, §61-3C-12, §61-3C-13, §61-3C-14, §61-3C-15, §61-3C-16, §61-3C-17, §61-3C-18, §61-3C-19, §61-3C-20, §61-3C-21; to amend and reenact §61-3D-2 and §61-3D-3 said code; to amend and reenact §61-3E-1, §61-3E-3, §61-3E-4, §61-3E-5, §61-3E-6, §61-3E-7, §61-3E-8, §61-3E-9, §61-3E-10, and §61-3E-12 said code; to amend and reenact §61-4-1, §61-4-2, §61-4-3, §61-4-4, §61-4-5, §61-4-6, §61-4-7, §61-4-8, and §61-4-9 said code; to amend and reenact §61-5-1, §61-5-2, §61-5-3, §61-5-4, §61-5-5, §61-5-6, §61-5-7, §61-5-8, §61-5-9, §61-5-10, §61-5-11, §61-5-12, §61-5-13, §61-5-14, §61-5-15, §61-5-16, §61-5-17, §61-5-18, §61-5-19, §61-5-20, §61-5-21, §61-5-22, §61-5-23, §61-5-24, §61-5-25, §61-5-26, and §61-5-27 said code; to amend and reenact §61-5A-9 said code; to amend and reenact §61-6-6, §61-6-7, §61-6-11, §61-6-12, §61-6-13, §61-6-14, §61-6-15, §61-6-16, and §61-6-17; §61-6-1, §61-6-1a, and §61-6-1b of said code; to amend and reenact §61-7-3, §61-7-4, §61-7-4a, §61-7-7, §61-7-10, §61-7-11, §61-7-11a, §61-7-12, §61-7-14, §61-7-15, and §61-7-15a said code; to amend and reenact §61-8-1, §61-8-5, §61-8-6, §61-8-7, §61-8-8, §61-8-9, §61-8-11, §61-8-12, §61-8-14, §61-8-15, §61-8-16, §61-8-19, §61-8-19a, §61-8-19b, §61-8-19c, §61-8-21, §61-8-22, §61-8-23, §61-8-27, §61-8-27a, §61-8-28, §61-8-28a, §61-8-29, §61-8-30, and §61-8-31 said code; to amend and reenact §61-8A-1, §61-8A-2, §61-8A-4, and §61-8A-5 said code; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10 and §61-8B-12 of said code; to amend and reenact §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, and §61-8C-3b said code; to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a, §61-8D-5, §61-8D-5a, §61-8D-7, §61-8D-8, and §61-8D-10 said code; to amend and reenact §61-9-1, §61-9-2, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-7, and §61-9-8 said code; to amend and reenact §61-10-1, §61-10-2, §61-10-3, §61-10-4, §61-10-5, §61-10-6, §61-10-9, §61-10-10, §61-10-11, §61-10-11a, §61-10-11b, §61-10-15, §61-10-16, §61-10-17, §61-10-20, §61-10-21, §61-10-22, §61-10-23, §61-10-30, §61-10-31, §61-10-32, and §61-10-33, said code; to amend and reenact §61-11-1a, §61-11-6, §61-11-8, and §61-11-8a of said code; to amend and reenact

§61-12-8, §61-12-9, and §61-12-13 of said code; to amend and reenact §61-13-3 of said code; to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of said code; to amend and reenact §61-15-2 and §61-16-2 of said code; to amend said code by adding thereto a new article designated as §23-5B-1, §23-5B-2, §23-5B-3, and §23-5B-4; to amend said code by adding thereto a new section, designated §30-29-9a; to amend said code by adding thereto two new sections, designated §30-1-27 and §30-1-28; to amend said code by adding a new section, designated §55-2-23; to amend said code by adding a new section, designated §60A-4-418; to amend said code by adding thereto nine new sections, designated §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24, and §61-2-25; to amend said code by adding thereto two new sections, §61-3-9, §61-3-10, and §61-3-17; to amend said code by adding thereto three new sections, designated §61-3B-8, §61-3B-9, and §61-3B-10; to amend said code by adding thereto two new sections, §61-3C-22 and §61-3C-23; to amend said code by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7, §61-3F-8, §61-3F-9, §61-3F-10, §61-3F-11, §61-3F-12, §61-3F-13, §61-3F-14, §61-3F-15, §61-3F-16, and §61-3F-17; to amend said code by adding thereto a new section designated §61-4-10; to amend said code by adding thereto following five new sections, designated §61-8-5a, §61-8-6a, §61-8-8a, and §61-8-8b, to amend said code by adding thereto six new sections, designated §61-8B-4a, §61-9-6a, §61-10-1a, §61-10-9a, §61-10-9b, and §61-10-10a; to amend said code by adding thereto a new article designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, and §61-17-6; and to amend said code by adding a new article designated §61-18-1, §61-18-2, §61-18-3, and §61-18-4; all relating to revising the criminal code generally; relating to the failure of a sex offender to register or provide notice of registration changes and the penalty for the same; crimes against the worker's compensation system generally; the crime of omission to subscribe for workers' compensation insurance; the crime of failure to file a premium tax report or pay premium taxes; crimes relating to false testimony or statements concerning such; the crime of failure to file reports; criminal penalties for such actions or inactions; provisions for asset forfeiture; venue for trial of such crimes; the crime of wrongfully seeking workers' compensation; criminalizing false testimony or statements given in support of the same; criminal penalties for these offenses; venue for the trial of such crimes; workers' compensation health care offenses; fraud; theft or embezzlement; false statements; criminal penalties for the above offenses; notice requirements; prohibition against providing future services; penalties for the same; provisions for asset forfeiture; venue for the trial of such crimes; defining the crime of providing false documentation to workers' compensation, to the Insurance Commissioner or a private carrier of workers compensation insurance; criminalizing altering documents or certificates from workers' compensation; criminal penalties for such offenses; venue for the trial of such crimes; the required reporting of gunshot and other wounds; the required reporting of burns; penalty for aiding and abetting; railroad employees being conservators of the peace; special railroad policemen; and the powers and duties of the same; relating to shooting ranges; limitations on nuisance actions; and noise ordinances; relating generally to criminal activity and the punishment thereof; wanton endangerment involving the use of fire; and the criminal penalty for the same; relating to crimes against the government, treason, the definition of the crime of treason, and penalties therefor, the crime of failure to give information of treason and its penalty, and the crime of desecration of the flag, and its penalty; relating to crimes against the person, first and second degree murder defined, and punishment for the same; delineating provisions for allegations in indictment for homicide; defining voluntary manslaughter and the penalty thereof; defining involuntary manslaughter, and specifying the penalty for the same; defining concealment of a deceased human body, and specifying the penalty for the same; clarifying that Homicide is punishable within the state if injury occurs within and death without, or vice versa; defining an attempt to kill or injure by poison, and specifying the penalty for the same; defining the crime of abortion and the penalty for the same; defining malicious or unlawful assault, assault, and battery, and specifying the penalties for each and aggravated factors and enhanced

penalties; explaining provisions of sentencing for such acts committed by incarcerated persons; defining assault during the commission of or attempt to commit a felony, and specifying the penalty for the same; delineating that for violent crimes against the elderly a sentence is not subject to suspension or probation; defining harassment, and providing penalties, and certain definitions for the same; defining strangulation, suffocation, and asphyxiation and providing definitions and penalties for the same; defining robbery or attempted robbery and specifying the penalties for the same; defining extortion, and attempted extortion by threat, and specifying the penalty for these; defining kidnapping and specifying penalties for the same; defining concealment or removal of a minor child from custodian or from person entitled to visitation; and setting forth penalties and defenses for the same; providing that one aiding or abetting in kidnapping or in concealing or removing a minor child is guilty as a principal, and explaining venue for those offenses; defining unlawful restraint and providing penalties for the same; prohibiting the purchase or sale of a child, setting the criminal penalty for the same, and providing definitions and exceptions; the failure to remove doors from abandoned refrigerators, freezers and other appliances, and providing penalties for the same; providing definitions for various forms of domestic violence and criminal penalties; providing definitions and criminal penalties for the abuse or neglect of an incapacitated adult; providing criminal penalties for the death of an incapacitated adult by a caregiver; defining and providing criminal penalties for the financial exploitation of an elderly person, protected person or incapacitated adult; recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person; relating to crimes against property; arson; the degrees of arson, and definitions and criminal penalties for the same; burning, or attempting to burn, insured property and the criminal penalty for the same; causing injuries during an arson-related crime, and the criminal penalties for the same; recovery of costs incurred in fighting fires caused by arson; defining burglary, the entry of dwelling house or outbuilding, and providing criminal penalties for the same; defining entry of a house, building, vehicle, or enclosed property, the criminal penalties for the same, and specifying counts in indictment for the same; manufacture or possession of burglary tools, and the criminal penalties for the same; setting forth criminal offenses involving theft detection shielding devices, their criminal penalties and providing for detention of persons suspected of this offense; grand larceny, aggravated grand larceny, and petit larceny distinguished, setting forth the criminal penalties for each, defining larceny of bank notes, checks, writings of value and book accounts, and delineating the determination of value in larceny; explaining receiving or transferring stolen goods and providing a criminal penalty; providing a criminal penalty for bringing into this state, receiving or disposing of property stolen in another state; embezzlement, and the criminal penalties for the same; falsifying accounts, and the criminal penalties for the same; Possession or use of automated sales suppression devices, and the criminal penalties for the same; the offenses of destroying or concealing a will, and embezzlement by fiduciary, and the criminal penalties for the same; obtaining money, property and services by false pretenses, disposing of property to defraud creditors, and the criminal penalties for each of these; the offenses of attempted or fraudulent use, forgery, traffic of credit cards, possession and transfer of credit cards and credit card making equipment, the false or fraudulent use of telephonic services, and the criminal penalties for these offenses; intercepting or monitoring customer telephone calls, and the criminal penalties for the same; requirements for finding fraudulent schemes and provisions for the cumulation of amounts where a common scheme exists, and the criminal penalties for the same; the casting away, destroying, or interfering with floating craft or material, and the criminal penalties for the same; interference with or destruction of buoys, signal lights or other aids to navigation, and the criminal penalties for the same; the offense of malicious killing of animals by poison or otherwise, and the criminal penalties for the same; the removal out of a county of property securing a claim, and the criminal penalties for such offense; the fraudulent disposition of personal property in possession by virtue of lease, notice to return, failure to return, and penalties where such property is not returned; noting a right to immediate possession in such instances; making a false statement as to financial condition of

person, firm or corporation, and the criminal penalty for the same; publication of false advertisements, and the criminal penalty for the same; fraudulently obtaining food or lodging, and the criminal penalty for the same; intoxication of a person in charge of locomotive engine or car, and the criminal penalty for the same; the offenses of jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings, and the criminal penalty for the same; procuring gas, water or electricity, by device, with intent to defraud, and the criminal penalty for the same; placing a dam or obstructions in watercourses, and the criminal penalty for the same; setting forth requirements for the purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; requiring certificates, records, and reports of such purchases; providing criminal penalties for violations of these provisions; setting forth requirements for the purchase of items by precious metals and gem dealers, records to be kept by them, and delineating prohibited acts, and the criminal penalty for the same; criminalizing the unauthorized use of dumpsters and setting forth penalties; defining the offense of identity theft and providing a penalty; criminalizing the failure to pay for gasoline and providing a penalty; the offense of scanning device or re-encoder fraud, delineating when it is a felony; providing definitions; and setting forth criminal penalties for the same; the offense of possession of bogus receipts or universal product codes with intent to defraud, and the criminal penalties for the same; the offense of misrepresentation of past or present military status or military awards to obtain anything of value, and delineating criminal penalties for the same; relating to shoplifting; prescribing penalties; defining the crime of organized retail theft, and providing penalties for that offence, all relating to trespass; trespass in a structure or conveyance and penalties for the same; trespass on property other than a structure or conveyance, removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs and penalties for the same; trespass on student residence premises or student facility premises of an institution of higher education and penalties for the same; trespass on state government property; aiding and abetting; penalties for each of those offenses; defining the offense of mine trespass, and penalties for the same; defining animal or crop facilities trespass; providing penalties for the same; allowing for injunctive relief in such instances; offenses involving damage to shrubbery, flowers, trees and timber; providing for a limitation of application of the relevant subsection, and providing penalties; prohibiting cutting, damaging, or carrying away without written permission, any timber, trees, growing plants or the products thereof; treble damages provided for the same; creating the Critical Infrastructure Protection Act; defining terms relevant to the same; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; providing criminal penalties; and, allowing for certain forms of civil action in such instances; relating to the West Virginia Computer Crime And Abuse Act, defining terms; computer fraud; access to legislative or state-owned computer; criminal penalties for the same; unauthorized access to computer services and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; alteration, destruction, etc., of computer equipment, and criminal penalties for the same; unauthorized possession of computer information, and criminal penalties for the same; disclosure of computer security information and criminal penalties for the same; computer invasion of privacy and criminal penalties for the same; fraud and related activity in connection with access devices, and criminal penalties for the same; endangering public safety, and criminal penalties for the same; obscene, anonymous, harassing and threatening communications by computer, cell phones and electronic communication devices, and criminal penalties for the same; soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; cyberbullying or specific acts of electronic harassment of minors; definitions; criminal penalties for the same; exceptions; use of a computer as an instrument of forgery; civil relief and damages available; defenses to criminal prosecution; venue; prosecution under other criminal statutes not prohibited; personal jurisdiction; and, severability; relating to the theft of cable television services, the

acquisition of cable television services, and penalties for wrongfully acquitting the same; sale or transfer of a device or plan intended for acquisition or diversion, and criminal penalties for the same; Illegal possession of destructive devices, explosive materials or incendiary devices; and the criminal penalty for the same; criminal use of destructive device, explosive material or incendiary device; and the criminal penalty for the same; causing accidental or intentional death or injury; penalties; causing death or injury to an explosives detection animal; and the penalty for the same; manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; and the penalty for the same; theft of explosive material from storage magazines or buildings; and the penalty for the same; receipt, possession, storage, sale or transportation of stolen explosive material; and the criminal penalty; wanton endangerment involving destructive devices, explosive materials or incendiary devices; and the criminal penalty; contraband, seizure, forfeiture of explosive devices; relating to crimes involving worthless checks; obtaining property in return for worthless check, and the criminal penalties for the same; making, issuing, etc., worthless checks on a preexisting debt, and the criminal penalties for the same; payment as a defense to such offenses; requiring making a statement for the reason for dishonor a duty of the drawee; defining what constitutes prima facie evidence of knowledge, setting forth requirements for identity, and providing a criminal penalty for providing false information; requiring a notice of dishonor by payee, and providing for a service charge; prescribing manner of filing complaint for warrant and the form thereof; providing guidance for a complaint, what constitutes notice of complaint, and the issuance of a warrant; delineating payment procedures, and imposing costs; providing for the payment of costs in worthless check cases, and the disposition of certain costs; requiring the preparation of a list of worthless check warrants; the use of that worthless check list upon receipt of complaint for warrant; delineating the duties of a prosecuting attorney upon receipt of notice of multiple worthless check warrants; requiring the magistrate court clerk to advise complainant; providing for the creation and operation of a program for worthless check offenders, and requirements for acceptance of a person in that program; requiring certain notice to persons accepted to the worthless check restitution program; agreement to suspend prosecution of a person accepted into the restitution program; providing for fees for participation in the worthless check restitution program; and, providing that statements by individuals referred to or participating in the worthless check restitution program are criminally inadmissible; relating to forgery, crimes against the currency, the forgery of public records, certificates, returns or attestation of a court or officer; and the criminal penalty for the same; forgery of official seals; keeping or concealing instrument for forging same; and the criminal penalty for the same; counterfeiting, and the criminal penalty for the same; making plates, etc., for forgery; possession of same; and the criminal penalty for that offense; forging or uttering other writing and the criminal penalty for the same; creation of unauthorized demand draft. possession of counterfeit currency with intent to utter; and the criminal penalty for the same; unauthorized currency, and the criminal penalty for the same; passing or receiving unauthorized currency knowingly, and the criminal penalty for the same; and, the unauthorized use, transfer, acquisition, alteration or possession of certain benefits and the criminal penalty for the same; payment cards and falsely making or lading the same, and the criminal penalty therefore; relating to crimes against public justice generally; perjury and subornation of perjury defined; false swearing defined, and the criminal penalties for perjury, subornation of perjury, and false swearing; aiding escape and other offenses relating to adults and juveniles in custody or confinement; and criminal penalties for the same; permitting escape; refusal of custody of prisoner; and criminal penalties for the same; persons in custody of institutions or officers. escapes and aiding in escapes; and criminal penalties for the same; terms of confinement in addition to previous sentence; escapes from, and other offenses relating to, state benevolent and correctional institution, or private prison or mental health facilities and criminal penalties for the same; escape from custody of the commissioner of corrections and criminal penalties for the same; escape from custody of the director of juvenile services; refusal

of officer to make, or delay in making, arrest; and criminal penalties for the same; refusal of person to aid officer and criminal penalties for the same; refusal of officer to execute act or process of legislature or order of governor; and criminal penalty for the same; obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; criminal penalties for the same; definition; officer not liable for act done under statute or executive order afterward declared unconstitutional; compounding offenses and misprision and criminal penalties for the same; exacting excessive fees and criminal penalties for the same; issuing fraudulent fee bills and criminal penalties for the same. alteration, concealment or destruction of public record by officer and criminal penalty for the same; larceny, concealment or destruction of public record by person not officer; and criminal penalty for the same; corrupt summoning of jurors to find biased verdict; and criminal penalty for the same; procuring the summoning of biased juror by party other than officer; and criminal penalty for the same; discrimination against employee summoned for jury duty; and criminal penalty for the same; contempt of court; what constitutes contempt; jury trial; presence of defendant; criminal penalty for the same; fraudulent official proceedings; causing a public employee or official to file a fraudulent legal process and criminal penalty for the same; impersonation of a public official, employee or tribunal; and criminal penalties for the same; impersonation of a public official or tribunal; impersonation of a law-enforcement officer; and criminal penalties for the same; subsequent offense; failure to perform official duties and criminal penalty for the same; the failure to meet an obligation to pay support to a minor and criminal penalties for the same; relating to bribery and corrupt practices, and the criminal penalties for such offenses; relating to crimes against the peace generally; mobs and lynching, and the criminal penalties for the same; liability of county or city in such instances; disturbance of religious worship and the criminal penalty for the same; disturbance of schools, societies, and other assemblies and the criminal penalty for the same; loitering on school property and the criminal penalty for the same; exceptions. camping upon governmental grounds or lawns and the criminal penalty for the same; public nuisance. false reports concerning bombs or other explosive devices and the criminal penalty for the same. falsely reporting an emergency incident and the criminal penalty for the same. willful disruption of governmental processes; offenses occurring at State Capitol Complex; and the criminal penalties for the same; threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited; and the criminal penalties for the same prohibiting violations of an individual's civil rights; and the criminal penalties for the same; wearing masks, hoods or face coverings and the criminal penalty for the same; and falsely reporting child abuse and the criminal penalty for the same; classifying criminal penalties for failing to register as a sex offender, failure to provide information change, and providing false information to the sex offender registry; deleting requirement that a person be deemed a rioter if they failed to provide required assistance at a riot; classify the penalty for crime of failure to obey an order given at a riot or unlawful assembly; providing that the crime of disorderly conduct is a petty offense; defining the crime of bigamy; providing a misdemeanor penalty for bigamy; providing definitions related to the crimes of pimping, prostitution and pandering; defining the crime of prostitution; providing the penalty for prostitution; providing that a medical report certifying no sexually transmitted disease reduces penalty for prostitution; providing criminal penalty for solicitation of prostitute; providing enhanced criminal penalty for solicitation of an individual for prostitution who is less than 18 years of age, mentally defective or incapacitated; providing fines for soliciting prostitution be paid to the Crime Victims Compensation Fund in designated circumstances; clarifying the crime pandering; providing that a second offense of pandering, recruitment involving coercion or force, and recruitment of persons under the age of 18 are felony offenses; establishing that parents consenting to using a minor or mentally defective person for prostitution is guilty of a felony; establishing that causing a person to engage in prostitution because of debt or to receive value is subject to misdemeanor penalty; establishing that a person who forces, intimidates or threatens a spouse to engage in prostitution commits a felony offense; providing respective criminal penalties; establishing the criminal offense of abducting, enticing or

harboring a child for prostitution; providing a criminal penalty; establishing the crime of promoting and advancing prostitution; defining a house of prostitution in context of promoting prostitution; permitting character evidence; providing criminal penalty, including additional fine; establishing the offense of sexual solicitation; providing a criminal penalty including additional fine; providing an affirmative defense to sexual solicitation for victims of trafficking; providing affirmative defenses to prostitution relating to human trafficking, abduction and mental defect or incapacitation; establishing aggravating circumstances, restitution and eligibility for Compensation Award to Victims of Crimes; providing that law enforcement notify DHHR of child victims; providing that any property used for or derived from prostitution is subject to forfeiture; providing that persons convicted be debarred from state or local contracts; clarifying that criminal indecent exposure cannot occur if victim grants permission; classifies criminal penalties for indecent exposure; classifies criminal penalties for inhaling or drinking certain intoxicating compounds; defines "step-relative" in context of the crime of incest; establishes that intercourse between two consenting adult step-relatives is not incest; classifies criminal penalty for incest; defines desecration and classifies criminal penalties for unlawful disinterment, desecration, injury to a grave marker or damage to cemetery; prohibits certain demonstrations at a funeral; classifies criminal penalty for prohibited funeral demonstrations; classifies criminal penalty for obscene, anonymous and threatening phone calls; classifies criminal penalties for cruelty to animals; classifies criminal penalty for animal fighting; classifies criminal penalty for attending an animal fighting venture; classifies criminal penalty for wagering at an animal fighting venture; establishes circumstances, sufficiency and application of a search warrant related to animal cruelty; extends search warrant authority for birds or animals kept for fighting to natural resources police; clarifies extent of searches without a warrant for fighting animals or birds; classifying criminal penalty for unlawful admission of children to places injurious to health or morals; classifying criminal penalty for under age false identification; classifying criminal penalty for criminal invasion of privacy; classifying criminal penalty for nonconsensual public disclosure of private intimate images; classifying criminal penalty for criminal loitering within certain distances of minor victims of sexually violent offenses or offenses; classifying penalties for disclosing or making photographs of accident or emergent situations public; classifying penalties for therapeutic deception; classifying penalties for therapeutic deception; expanding definition of computer applied to obscene matter and minors; classifying criminal penalties for distribution and display to minor of obscene matter; classifying criminal penalties for use of obscene matter with intent to seduce minor; classifying criminal penalties for use of minor to produce obscene matter or assist in doing sexually explicit conduct; classifying criminal penalties for sexual assault in the first degree; classifying criminal penalties for sexual assault in the second degree; providing definitions of terms related to the criminal offense of sexual extortion; establishing the elements of the crime of sexual extortion; classifying criminal penalties for sexual assault in the third degree; classifying criminal penalties for sexual abuse in the first degree; classifying criminal penalties for sexual abuse in the second degree; classifying criminal penalties for sexual abuse in the third degree; classifying criminal penalties for imposition of sexual acts on persons incarcerated or under supervision; providing a definitions of 'coerce' and 'visually portray' in the context of the crime of filming sexually explicit conduct of minors; classifying criminal penalty for producing a visual portrayal of a minor in sexually explicit conduct; providing for enhanced penalty when parent distributes material displaying a child under their care in sexually explicit conduct; classifying penalties when any person distributes or exhibits material displaying a minor in sexually explicit conduct; classifying penalties for production, display or distribution of visual portrayals of partially clothed minors; defining 'visual portrayal' in context of prohibited possession, manufacture or distribution of inappropriate sexual portrayals by a minor; clarifying the definition of 'parent' in context of child abuse to include step or foster parent; classifying criminal penalties for murder of custodial child for failure or refusal to supply necessities; clarifying definition of 'recognized method of religious healing' in context of murder of custodial child for failure or refusal to supply necessities; classifying criminal penalties for death

of a child by child abuse; classifying criminal penalties for child abuse causing or creating a risk of injury; classifying the criminal penalty for female genital mutilation; classifying the criminal penalty for child neglect resulting in death; in context of the crime of child neglect resulting in death, clarifying that care through recognized method of religious healing in lieu of medical treatment may not constitute neglect; defining recognized method of religious healing; classifying the criminal penalty for sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; classifying the criminal penalty for procuring, authorizing or inducing another to engage in sexual acts with a child under their care or custody; sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian, or person in a position of trust procuring, authorizing, inducing a to a child sixteen or older; definition of terms related to nuisances; designated elements for maintaining a nuisance; providing standing to bring an action to abate a nuisance; venue for a nuisance action; evidence and proof related to an action to abate nuisance; provisions and procedures related to an action to enjoin a nuisance; prima facie evidence of a nuisance; prosecution of a nuisance complaint; provisions for dismissal of a nuisance action; award of costs related to a nuisance action; when existence of nuisance established permanent injunction required; order of abatement for a nuisance; elements of a nuisance abatement order; removal and sale of movable property from a nuisance; liability of officers disposing of property from a nuisance proceeding; criminal offense of contempt related to nuisance proceedings; definitions related to gaming and gambling; criminal offense for possessing or dealing in unlicensed gaming devices; seizure of unlicensed gaming or gambling devices; criminal offense for permitting a gambling device on premises under unauthorized ownership, leasehold, occupation or possession; criminal offense of acting as a guard or interfering with lawful intervention for gambling premises; criminal offense of unauthorized wagering on outcomes of uncertain events or prohibited games; criminal offense for a unauthorized commercial gambling at a hotel or tavern; criminal offense for cheating at gambling; criminal offense of unauthorized dealing in gambling device; criminal offense of unauthorized installation of a gaming device; criminal offense for unauthorized sale of a voucher or certificate for gambling on outcome of sporting events, games of skill or other sport or contest; declaring premises for unauthorized commercial gambling a nuisance; defining lottery and raffle; criminal offense for unauthorized operation of a lottery or raffle; criminal offense of keeping policy or numbers slips; seizure of designated gambling devices and equipment; provides seizure authority for gambling articles or apparatuses; classifying criminal penalties for crime of certain public officials with pecuniary interest in certain public contracts; classifying the criminal offense of unlawful showing of pictures, advertisement or theatrical productions calculated to arouse prejudicial ire or feelings; classifying the criminal offense of lobbying on the floor of the legislature; classifying the crime of employers who fail or refuse to pay contracted employment benefits or contributions; classifying the crime of unlawful use of the prefix of Doctor; classifying the criminal penalty for bribery; clarifying the elements of the crime of bribery; classifying the criminal penalty for debt pooling; clarifying the elements of the crime of debt pooling; classifying the criminal penalty for failure to maintain and affix a cover for a water well; classify the penalty for the crime of conspiracy; classify the penalty for the crime of unlawful contact with a corrections employee or a member of the parole board; classify the penalty for prohibited sale of certain caffeine products; classify the criminal penalties in the Critical Infrastructure Protection Act; classify the criminal penalties for punishment of principals in the second degree and designated accessories; classify the criminal penalties for attempted crimes; classify the criminal penalties for solicitation to commit certain crimes; classify the criminal penalties for crimes related to post mortem examinations; classify the criminal penalties for failing to secure a cremation permit; clarify evidentiary admissibility of autopsy reports an investigations; classify the penalties for organized criminal enterprise offenses; classify the criminal penalties for the offense of human trafficking; classify the criminal penalties for the offense of forced labor; classify the criminal penalties for the offense of using adults or minors in debt bondage; classify the criminal penalties for the offense

of coercing or compelling an individual to engage in commercial sexual; classify the criminal penalties for the offense of patronizing a victim of sexual servitude; establishing that an individual convicted of a human trafficking offense who is sentenced to life without mercy is not eligible for parole; classify the criminal penalty for money laundering; classify the criminal penalty for prohibited use of unmanned aircraft systems; classify criminal offenses and respective sentencing dispositions; establishing that felonies are classified into six categories and misdemeanors are classified into three categories; providing that petty offenses are not classified; establishing that criminal classification is derived from the defining criminal section or chapter; establishing that petty offenses are specifically designated to include any crime without specified designation or classification; providing that offenses noted outside Chapter 61 which are not designated as a felony, misdemeanor or petty offense, are punished under the prescribed statutory penalty; unless provided otherwise felony imprisonment sentence is a term of definite years; establishes respective range of felony terms of imprisonment into six classifications; establishes respective range of misdemeanor terms of imprisonment within three classifications; providing discretion to the sentencing court to treat a class 6 felony as a class 1 misdemeanor with noted exceptions; providing the trial court impose its sentence within designated range of maximum and minimum terms; requiring the court to consider aggravating and mitigating circumstances as well as the pre-sentence report; providing potential increased sentence for crimes near a school which may exceed maximum sentencing limits; provides that a felony sentence must be a definite term of years served in the state department of corrections; establishes requirements for transfer of custody; provides a range of imprisonment term for all six felony classes; providing that misdemeanor sentences are for a definite term to be served at somewhere other than the state department of corrections; establishes respective limitations of imprisonment for the three classes of misdemeanors; provides discretion to the court in certain circumstances, to treat a class 6 felony as a class 1 misdemeanor; provides for reimbursement of incarceration costs for misdemeanor offenses; provides court with discretion to increase sentence by one year for offenses near a school; establishes that school vicinity sentence enhancement may exceed statutory limit; further providing that if the victim offense is a child but is not within the designated range of a school the court may consider relevant circumstances and increase the sentence two years; establishing fines for felony offenses; establishing fines for misdemeanor offenses; for purposes of sentencing, defines an 'enterprise' as any entity other than a person; provides graduated penalty of fines imposed upon enterprise for criminal offenses; establishes that a judgment of fine against an enterprise constitutes a lien; establishes relevant factors for the court to consider when sentencing an enterprise for criminal conduct; requires the court to order a person incarcerated for a criminal offense to pay incarceration costs; and, establishes factors for the court to consider when assessing payment of incarceration costs,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. J. R. 3, Property Tax Modernization Amendment,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. J. R. 3 – “Proposing an amendment to the Constitution of the State of West Virginia amending section one, article X thereof, relating to authorizing the Legislature to exempt tangible machinery and equipment personal property directly used in business activity and

tangible inventory personal property directly used in business activity from ad valorem property taxation by general law; providing that the question of ratification or rejection of the amendment be submitted to the voters of the state at the next general election to be held in the year 2022; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment,”

With the recommendation that the committee substitute be adopted.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2370, Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2370 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to exempting sewer charges for swimming pools; requiring the owner of the pool to provide the dimensions of a pool that is being filled with water; requiring the waste water utility to calculate the volume of the pool and allow an individual to use that amount of water for filling the pool without being charged for the corresponding sewer charges, as the water does not go to the sewer; and allowing the waste water utility to inspect the pool in order to verify the dimensions,”

And,

H. B. 2488, Relating to an occupational limited license,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2488 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license,”

With the recommendation that the committee substitutes each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2751, Modernize the process for dissolution of municipal corporations in this State,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2751 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-2A, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, §6-9C-10, and §6-9C-11; to amend and reenact §8-35-1 and §8-35-2 of said code; and to amend said code by adding thereto new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal emergencies of

local governments and dissolution of municipalities; establishing a system to remediate those fiscal emergencies; providing legislative findings; defining terms; allowing State Auditor or his or her designee to determine whether local governments are keeping accounts, records, files, or reports in compliance with §6-9-2 of this code; providing conditions constituting grounds for fiscal watch; providing for rulemaking; allowing for State Auditor or his or her designee to declare a local government is under fiscal watch; allowing the State Auditor or his or her designee to visit, inspect, and provide technical assistance to a local government under fiscal watch; allowing State Auditor or his or her designee to declare a local government to be in a state of fiscal emergency; providing process for initiating a fiscal watch review; providing a process for declaring and lifting a fiscal watch or elevating a fiscal watch to a fiscal emergency; establishing conditions that constitute a fiscal emergency; providing for rulemaking; establishing a process for determining whether fiscal emergency conditions exist and appeal process of such determination; providing that a local government for which a fiscal emergency is declared establish a financial planning and supervision committee; providing for rulemaking; mandating compliance by local government officials with recommendations of State Auditor or his or her designee and certain provisions of the article and providing appropriate State Auditor or his or her designee with recourse for failure to comply; providing for severability; providing a process for forfeiture of charter or certificate of incorporation, notice, and dissolution of municipality; providing that the State Auditor or his or her designee shall promptly conduct an exam under §6-9-1, *et seq.* of this code; providing a process for voluntary dissolution of a municipality; providing that the State Auditor or his or her designee shall promptly conduct an exam under §6-9-1, *et seq.* of this code; providing a process for involuntary dissolution of a municipality; requiring that the State Auditor become special receiver of a dissolved municipality and establishing powers and authority of State Auditor as special receiver; establishing the 'Municipal Dissolution Account'; providing for disposition of property belonging to a dissolved municipal corporation; and providing for sale and liquidation of dissolved municipal assets,"

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. C. R. 55, Studying the viability of creating a veterinary school in West Virginia,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 55 – "Requesting that a Special Interim Committee on Higher Education be established to study the viability of creating an accredited school of veterinary medicine in West Virginia,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 55) was referred to the Committee on Rules.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3036, Sunsetting the Board of Sanitarians,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3036 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunsetting the Board of Sanitarians by June 30, 2022,"

With the recommendation that the committee substitute do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3072, Sunset the Board of Forestry,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3072 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-7; and to amend said code by adding thereto a new section designated §30-19-18, both relating to permitting the Director of the Division of Forestry to maintain a list of foresters in the state of West Virginia; defining the educational criteria for a person to be considered a forester or forestry technician; allowing for rulemaking; and establishing a sunset provision,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Queen, Lovejoy and Garcia:

H. B. 3310 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all generally relating to jurisdiction of the Public Service Commission; making legislative findings; defining terms; creating exception to the term public utility; limiting jurisdiction of the Public Service Commission; and providing for rulemaking."

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegate Steele:

H. B. 3312 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3A-1, §10-3A-2, §10-3A-3, §10-3A-4, §10-3A-5, §10-3A-6, and §10-3A-7, all relating to the establishment of a mom to child labor; providing for legislative findings; establishing a short title; creating a commission to oversee the siting, design, construction, and dedication of the monument; establishing membership of the commission; outlining the goals of the commission regarding location of the monument; providing for a funding mechanism from

existing revenue sources for construction and maintenance of the monument; creating an inscription or plaque to be used in the dedication of the monument; disbanding the commission upon meeting certain conditions; granting the City of Fairmont the ownership of the monument; providing funds for the City of Fairmont to maintain the monument; and establishing a mechanism for maintenance and ownership of the monument under certain conditions.”

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 43, U. S. Army CSM Hugh H. “Smokey” Stover Memorial Road,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 43 - “Requesting the Division of Highways name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the intersection of Clear Fork Road and Workman’s Creek Road, in Raleigh County, the ‘U.S. Army CSM Hugh H. “Smokey” Stover Memorial Road’,”

With the recommendation that the committee substitute be adopted.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 20, Bill Withers Memorial Road,

H. C. R. 54, Robin W. Ames Memorial Road,

H. C. R. 62, Major Samuel Wilson Rogers Jr. Memorial Bridge,

H. C. R. 63, Mayor George Karos Bridge.,

H. C. R. 64, Deputy Sheriff Scott D. Myers Memorial Bridge,

H. C. R. 72, David Allen Drake, Sr. Memorial Bridge,

S. C. R. 6, US Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge,

S. C. R. 8, Fire Chief Kenneth Junior Russell Memorial Bridge,

Com. Sub. for S. C. R. 14, Creating WV Women’s Suffrage Memorial,

And,

S. C. R. 20, Supporting and celebrating centennial anniversary of Jones Act,

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

Delegate D. Jeffries, Chair of 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 26th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

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,

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund,

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services,

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,

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,

And,

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

On motion for leave a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegates Toney, Howell, Hanshaw (Mr. Speaker), Rowan, Higginbotham and Ellington:

H. C. R. 78 – “Requesting the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals to examine, jointly, the multidisciplinary treatment team process for advising the court on the types of services and placement, if any, it determines will best serve the needs of a child subject to juvenile proceedings under the law and to report the results of their examination to the Joint Committee on Government and Finance prior to the 2022 legislative session.”

Whereas, The multidisciplinary treatment team for juvenile proceedings conducted pursuant to §49-4-701 of the Code of West Virginia, 1931, as amended, is delineated in §49-4-406 of the code and includes representatives of the Department of Health and Human Resources, the county superintendent of schools and the Court among the members who shall serve and attend each meeting of the multidisciplinary treatment team so long as they receive notice at least seven days prior to the meeting; and

Whereas, In advising the court as to the types of services the multidisciplinary treatment team has determined are needed and type of placement, if any, which will best serve the needs of the child, the team may determine that an out-of-home placement is best. The team is required to first consider placement at facilities or programs located within the state and may only recommend placement in an out-of-state facility if it concludes that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child. The team is further required to monitor the progress of the child's plan, review progress at the regular meetings held at least every three months and report to the court on the progress or if additional modification is necessary; and

Whereas, If a child who is receiving or requires services under an individualized education plan is placed in a residential facility, the costs of providing the educational services are invoiced to the Department of Education and are allocated to the county school system in which the child was last enrolled for at least 45 school days, exclusive of any enrollment documented as due solely to placement in an in-state residential shelter, treatment facility or correction facility. Based on the latest information received from the Department of Education, it is apparent that the tuition costs from out-of-state placements consume 52% of the State Board of Education – Aid for Exceptional Children line item allocated to the county school systems for special education. For many school systems the out-of-state tuition costs allocation consume a large portion of the county's allocated funds. For seven county school systems, the out-of-state tuition costs allocated to the county exceed the allocated funds; and

Whereas, Best serving the needs of the child through the multidisciplinary treatment team process delineated in §49-4-406 is the paramount objective of the statute and in practice it requires that all team members are adequately noticed of team meetings, well informed of the available options for services and able to participate with authority in representing their area of expertise; therefore be it:

Resolved by the Legislature of West Virginia:

That the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals are hereby requested to examine, jointly, the multidisciplinary treatment team process for advising the court on the types of services and placement, if any, it determines will best serve the needs of a child subject to juvenile proceedings under the law and to report the results of their examination to the Joint Committee on Government and Finance prior to the 2022 legislative session; and be it:

Further Resolved,

That the examination shall include the practices used in calling, notice and attendance at meetings of the multidisciplinary treatment team and the processes within the respective jurisdictions of the Departments and Court to ensure that their representatives at the meetings are well informed of the available options for services and are able to participate with authority in representing their area of expertise; and be it:

Further Resolved,

That, subject to the findings of their examination, the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals are hereby requested to take such actions within or among their respective jurisdictions as they may determine prudent to improve the processes and communication with

respect to the importance of meaningful participation as members of a multidisciplinary treatment team to best serve the needs of the child while first considering placement at facilities or programs located within the state and only recommending placement in an out-of-state facility if the team concludes that there are no available and suitable in-state facilities. The report of the examination shall include any actions taken by the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals with respect to improving the multidisciplinary treatment team processes along with any other recommendations they deem prudent for meeting the objectives of the statute; and be it:

Further Resolved by the Legislature of West Virginia:

That the Clerk of the House of Delegates shall transmit a copy of this Resolution to the presiding officers of the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals.

The resolution (H. C. R. 78) was referred to the Committee on Rules.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2908, Relating to disclosure of information by online marketplaces to inform consumers,

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

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2224, Relating to complaints against public agencies to obtain records through the Freedom of Information Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2224 - "A Bill to amend the Code of West Virginia, 1931, as amended; to amend and reenact §29B-1-2, §29B-1-3, and §29B-1-4; and to amend said code by adding thereto a new sections, designated §29B-1-3b; providing for definitions of electronic records; providing that a public agency may respond to a request for documents with an anticipated time frame the requestor may expect to receive documents; providing that electronic records are more cumbersome for public agencies to review for public information; providing that a public agency may establish a fee schedule for production of electronic records; providing criteria to establish a fee schedule; providing for criteria for a public agency to deny a request for documentation; providing an exemption for Sensitive Security Information; and providing for exemption of disclosure of personally identifiable information under certain circumstances,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2095, Providing increased protections for the welfare of domestic animals,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2095 - "A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-10-1a and §7-10-6; to amend and reenact §7-10-2 and §7-10-4 of said code; to amend said code by adding thereto two new sections, designated §19-20-12a and §19-20-27; to amend and reenact §19-20-22 and §19-20-26; to amend and reenact §61-8-19 of said code; and to amend said code by adding thereto two new sections, designated §61-8-19d and §61-8-19e, all relating generally to providing increased protections for the welfare of domestic animals; requiring facilities for the care of stray, abandoned, and surrendered animals and providing for access by the public; defining terms; updating the duties of humane officers; specifying standards for the operation of animal shelters; requiring inspections; establishing sanctions for violation of the standards of operation; defining an owner's duty of care for companion animals; requiring an owner to confine unspayed female dogs in estrus; requiring dog breeders to provide written disclosures to purchasers; specifying minimum levels of care to be provided by dog breeders; defining when a dog is unfit for sale by a dog breeder and providing remedies therefor; increasing the penalty for a second offence of cruelty to animals; defining the criminal offenses of unlawful confinement of domestic animals and hoarding of animals; establishing criminal penalties; and providing for mental health treatment in certain circumstances involving hoarding of animals,"

With the recommendation that the committee substitute do pass.

Conference Committee Report Availability

At 6:16 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 2263**, Update the regulation of pharmacy benefit managers, was available in the Clerk's Office.

Miscellaneous Business

Delegate Howell noted to the Clerk that he was absent when the vote was taken on the passage of H. B. 3301, and had he been present, he would have voted "Yea" thereon.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2095: Delegates Haynes and Zukoff;

H. B. 2771: Delegate Haynes;

H. B. 2826: Delegate Bates;

H. B. 3020: Delegate Mandt;

And,

H. B. 3307: Delegate Holstein.

At 6:17 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 29, 2021.

**HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470**

SPECIAL CALENDAR

Monday, March 29, 2021

48th Day

11:00 A. M.

UNFINISHED BUSINESS

- S. C. R. 6 - US Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge
- S. C. R. 8 - Fire Chief Kenneth Junior Russell Memorial Bridge
- Com. Sub. for S. C. R. 14 - Creating WV Women's Suffrage Memorial
- S. C. R. 20 - Supporting and celebrating centennial anniversary of Jones Act
- H. C. R. 20 - Bill Withers Memorial Road
- Com. Sub. for H. C. R. 43 - U. S. Army CSM Hugh H. 'Smokey' Stover Memorial Road
- H. C. R. 54 - Robin W. Ames Memorial Road
- H. C. R. 62 - Major Samuel Wilson Rogers Jr. Memorial Bridge
- H. C. R. 63 - "Mayor George Karos Bridge."
- H. C. R. 64 - Deputy Sheriff Scott D. Myers Memorial Bridge
- H. C. R. 72 - David Allen Drake, Sr. Memorial Bridge

THIRD READING

- Com. Sub. for H. B. 2747 - Transferring the Parole Board to the Office of Administrative Hearings (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2773 - Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake (STEELE) (REGULAR)
- Com. Sub. for H. B. 2793 - Permit out of state residents to obtain West Virginia concealed carry permits (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2890 - To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services (STEELE) (REGULAR)
- Com. Sub. for H. B. 2962 - Relating generally to dental practice (STEELE) (REGULAR)
- Com. Sub. for H. B. 3002 - Update road abandonment process (STEELE) (REGULAR)
- H. B. 3300 - Relating to reducing personal income tax rates generally (HOUSEHOLDER) (REGULAR) [AMENDMENTS PENDING]

H. B. 3303 - Relating to clarifying the process of filling vacancies on ballots (CAPITO) (REGULAR)

H. B. 3306 - Relating to virtual instruction (ELLINGTON) (REGULAR)

SECOND READING

Com. Sub. for S. B. 275 - Relating generally to WV Appellate Reorganization Act of 2021 (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

Com. Sub. for H. B. 2177 - Permitting the issuance of a state issued identification card without a photo on the card under certain conditions (STEELE) (REGULAR)

Com. Sub. for H. B. 2266 - Relating to expanding certain insurance coverages for pregnant women (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2581 - Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2592 - Require Counties and Municipalities to hold all local elections during statewide elections (CAPITO) (REGULAR)

Com. Sub. for H. B. 2667 - To create a cost saving program for state buildings regarding energy efficiency (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2720 - Creating a Merit-Based Personnel System within DOT (STEELE) (REGULAR)

H. B. 2768 - Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2769 - Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2790 - Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2915 - Relating to public records management and preservation (HOUSEHOLDER) (JULY 1, 2021)

Com. Sub. for H. B. 2927 - Adding Caregiving expenses to campaign finance expense (CAPITO) (REGULAR)

H. B. 3082 - Stabilizing funding sources for the DEP Division of Air Quality (HOUSEHOLDER) (REGULAR)

- Com. Sub. for H. B. 3106 - To change the hearing requirement for misdemeanors to 10 days (CAPITO) (REGULAR)
- H. B. 3298 - Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3304 - Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program (CAPITO) (REGULAR)

FIRST READING

- Com. Sub. for H. J. R. 3 - Property Tax Modernization Amendment
- Com. Sub. for H. B. 2017 - Rewriting the Criminal Code (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2095 - Providing increased protections for the welfare of domestic animals (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2224 - Relating to complaints against public agencies to obtain records through the Freedom of Information Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2370 - Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2488 - Relating to an occupational limited license (CAPITO) (REGULAR)
- H. B. 2730 - Relating to persons filing federal bankruptcy petition to exempt certain property of the estate (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2751 - Modernize the process for dissolution of municipal corporations in this State (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2876 - Modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2884 - To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions (CAPITO) (REGULAR)
- H. B. 2908 - Relating to disclosure of information by online marketplaces to inform consumers (CAPITO) (REGULAR)
- H. B. 2918 - Relating to Family Drug Treatment Court (CAPITO) (REGULAR)
- H. B. 2997 - Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel (CAPITO) (REGULAR)
- H. B. 3030 - Relating to gross weight limitations and road restrictions in Greenbrier and Pocahontas Counties (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3036 - Sunsetting the Board of Sanitarians (STEELE) (REGULAR)

- Com. Sub. for H. B. 3072 - Sunset the Board of Forestry (STEELE) (REGULAR)
- Com. Sub. for H. B. 3074 - Relating to information on organ and tissue donations (ELLINGTON) (REGULAR)
- H. B. 3089 - Make utility workers essential employees during a state of emergency (CAPITO) (REGULAR)
- H. B. 3286 - Making a supplementary appropriation to the Division of Human Services – Child Care and Development (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3287 - Making a supplementary appropriation to the Department of Homeland Security (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3288 - Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3289 - Supplementary appropriation to the Department of Commerce, Geological and Economic Survey (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3291 - Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3292 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3295 - Making a supplemental appropriation to Division of Human Services and Division of Health Central Office (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3297 - Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3308 - Relating to increasing number of limited video lottery terminals (HOUSEHOLDER) (REGULAR)
- H. B. 3309 - Creating and funding a Video Lottery Terminals Modernization Fund (HOUSEHOLDER) (REGULAR)
- H. B. 3310 - Relating to the jurisdiction of the Public Service Commission (CAPITO) (REGULAR)
- H. B. 3311 - Relating to the cost of medical records (J. PACK) (REGULAR)
- H. B. 3312 - Establishing a memorial to child labor and child workers who died in the course of employment in this state (STEELE) (REGULAR)

HOUSE CALENDAR

Monday, March 29, 2021

48th Day

11:00 A. M.

THIRD READING

- H. B. 2493 - Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2675 - Relating to the interest rate for condemnation cases and creating conformity with statutory rates (CAPITO) (REGULAR)
- H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 439 - Allowing use or nonuse of safety belt as admissible evidence in civil actions (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)
- H. B. 2721 - Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice (STEELE) (REGULAR)
- Com. Sub. for H. B. 2959 - Relating to the financing of environmental pollution control equipment for coal-fired power plants (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 3009 - Relating to the publication of county board financial statements (ELLINGTON) (REGULAR)
- H. B. 3079 - Relating to exempting recovery residences from certain standards (J. PACK) (REGULAR)

H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)

H. B. 3305 - Relating to required course of study (ELLINGTON) (REGULAR)

FIRST READING

H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)

H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)

Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)

H. B. 2719 - Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice (STEELE) (REGULAR)

H. B. 3059 - Making contract consummation with state more efficient (STEELE) (REGULAR)

Com. Sub. for H. B. 3102 - Requiring Director of transportation to have experience in transportation department (ELLINGTON) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 29, 2021

HOUSE CONVENES AT 11:00 A.M.

**PUBLIC HEARING - VIRTUAL
COMMITTEE ON THE JUDICIARY
8:00 A.M.**

H. J. R. 3, PROPERTY TAX MODERNIZATION AMENDMENT.

**COMMITTEE ON RULES
10:45 A.M. – ROOM 434 M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON EDUCATION
1:00 P.M. – ROOM 434 M**

**PUBLIC HEARING – VIRTUAL
COMMITTEE ON GOVERNMENT ORGANIZATION
4:00 P.M.**

COM. SUB. FOR H. B. 3072, SUNSET THE BOARD OF FORESTRY.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470