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HOUSE of DELEGATES

Eighty-Fifth Legislature
Second Regular Session

Held at Charleston
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March 9, 2022
FIFTY-SEVENTH DAY

Wednesday, March 9, 2022

FIFTY-SEVENTH DAY

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

The House of Delegates 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 Tuesday, March 8, 2022, 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 S. B. 728 on First Reading, Special Calendar, had been transferred to the House Calendar; and, Com. Sub. for S. B. 25 and S. B. 493 on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

S. B. 10, Relating to WVU Rifle Team electronic application donation program,

Com. Sub. for S. B. 656, Providing tax credit for certain corporations with child-care facilities for employees,

And,

S. B. 729, Relating to funding for infrastructure and economic development projects in WV,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (S. B. 10, Com. Sub. for S. B. 656 and S. B. 729) were each taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 247, Relating to certified community behavioral health clinics,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S. B. 247) was taken up for immediate consideration, read a first time and ordered to second reading.

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:

Com. Sub. for S. B. 71, Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, or other legal requirements,

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

On motion of Delegate Summers, the bill (Com. Sub. for S. B. 71) was taken up for immediate consideration, read a first time and ordered to second reading.

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:

Com. Sub. for S. B. 536, Relating generally to controlled substance criminal offenses,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S. B. 536) was taken up for immediate consideration, read a first time and ordered to second reading.

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:

Com. Sub. for S. B. 498, Creating Anti-Racism Act of 2022,

And,

Com. Sub. for S. B. 590, Clarifying that tenancy includes persons who reside in sober living home,

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

On motion of Delegate Summers, the bills (Com. Sub. for S. B. 498 and Com. Sub. for S. B. 590) were each taken up for immediate consideration, read a first time and ordered to second reading.

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:

Com. Sub. for S. B. 7, Relating to damages for medical monitoring,

And,

Com. Sub. for S. B. 573, Providing system where magistrates shall preside in certain instances outside normal court hours,

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

Delegate Garcia moved to reject Com. Sub. for S. B. 7.

The Speaker explained that procedurally it would be necessary to move to reject the entire report.

On the question of rejection of the report of the Committee on the Judiciary, the same was put and did not prevail.

The report was then received.

On motion of Delegate Summers, the bills (Com. Sub. for S. B. 7 and Com. Sub. for S. B. 573) were each taken up for immediate consideration, read a first time and ordered to second reading.

Delegate 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 9th day of March, 2022, presented to His Excellency, the Governor, for his action, the following bill(s), signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 4084, Relating to advanced recycling,

Com. Sub. for H. B. 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules,

And,

H. B. 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center.

Messages from the Executive

The following communications were laid before the House of Delegates and reported by the Clerk:

Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 8, 2022

Executive Message 2
2022 Regular Session

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
State Capitol, Rm 228M
Charleston, WV 25305

Dear Mr. Speaker:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

211, West Virginia; 2020 Impact Report

Administration, West Virginia Department of; Real Estate Division "2020 Real Property and Lease Report"

Administration, West Virginia Department of; "Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020"

Administration, West Virginia Department of; State Building Commission Fund

Agriculture, West Virginia Department of; 2020 Annual Report

Agriculture, West Virginia Department of; Annual Report for the WV Farms-to Food Bank Tax Credit for calendar years 2019 and 2020

Agriculture, West Virginia Department of; Annual Report for the WV Farms-to Food Bank Tax Credit for calendar years 2020 and 2021

American Bar Foundation; 2019 Annual Report

Architects, West Virginia Board of; Annual Report FY 2020 & FY 2019

Attorney General's Office, West Virginia; "Seventy-Eighth Biennial Report and Official Opinions of the Attorney General of the State of West Virginia for the Fiscal Years Beginning July 1, 2018, and ending June 30, 2020"

Attorney General's Office, West Virginia; "2020 Annual Report on the Activities of the Consumer Protection and Antitrust Division"

Attorney General's Office, West Virginia; Annual Report 2020

Barbers and Cosmetologists, State of West Virginia Board of; 2020 Annual Report

Board of Pharmacy, West Virginia; Annual Report on the West Virginia Controlled Substances Monitoring Program

Broadband Enhancement Council, West Virginia; 2020 Annual Report

Chiropractic Examiners, State of West Virginia Board of; Biennium Report July 1, 2018, to June 30, 2020

Coal Mine Health and Safety, State of West Virginia Board of; 2020 Annual Report

Commerce, West Virginia Department of; Tourism Development Act Report 2020

Commerce, West Virginia Department of; FY20 TIF Annual Report

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee; 2020 Annual Report

Community Action of Southeastern West Virginia, Inc. (CASEWV); 2021 CASEWV Annual Report for its Head Start and Early Head Start Programs

Consolidated Public Retirement Board; West Virginia State Police Disability Experience Annual Report Fiscal Year 2020

Consolidated Public Retirement Board, West Virginia; 2020 Comprehensive Annual Financial Report

Consumer Advocate, Office of the West Virginia; Consumer Advocate Division 2021 Annual Report

Counseling, State of West Virginia Board of Examiners in; Biennium Report July 1, 2018- June 30, 2020

Dentistry, West Virginia Board of; Report of the Biennium for Fiscal Years 2019 & 2020

Development Office, West Virginia; Annual Report 2019

Development Office, West Virginia; FY 2019 Neighborhood Investment Program Annual Report

Development Office, West Virginia; 2018 Final Report on the Assessment 2015-2017

Engineers, West Virginia State Board of Registration for Professional; Annual Report FY2020

Environmental Protection, West Virginia Department of; 2020 Monthly and Year to Date OOG Permit Issuance Averages

Equal Employment Opportunity, West Virginia; 2020 Annual Report

Fire Commission, West Virginia State; FY 2020 Annual Report

Fire Marshal's Office, West Virginia State; FY 2020 Annual Report

Forestry, West Virginia Division of; Outdoor Heritage Conservation Funding Annual Report

Forestry, West Virginia Division of; 2020 Stewardship Projects Annual Report

Forestry, West Virginia Division of; Report on Managed Timberland Program

Government Accountability, Foundation for; 2019 Annual Report

Grievance Board, Public Employees; 2020 Annual Report

Health and Human Resources, West Virginia Department of; Annual Report on the Olmstead Plan July 1, 2019-June 30, 2020

Health and Human Resources, West Virginia Department of; "Family Protection Services Board 2020 Annual Report July 1, 2019-June 30, 2020"

Health and Human Resources, West Virginia Department of; Office of Maternal, Child and Family Health (West Virginia Birth Defects) Calendar Years 2018 and 2019 (January-December)

Health and Human Resources, West Virginia Department of; Bureau for Public Health- West Virginia Office of Medical Cannabis Biennial Report 2021

Health and Human Resources, West Virginia Department of; Bureau for Behavioral Health- West Virginia Family & Community Support Program FY 2020 Annual Report

Health and Human Resources, West Virginia Department of; West Virginia Women's Commission 2020 Annual Report

Highways, West Virginia Division of; Annual Report (The Complete Streets Advisory Board)

Homeland Security, West Virginia Department of; Accomplishments 2017-2020 Report

Human Rights Commission, West Virginia; Annual Report 2020

Independent Living Council, West Virginia Statewide; "The State of Education for Children with Disabilities in West Virginia-Education Task Force; Annual Report 2019-2020"

Insurance Commissioner, State of West Virginia Offices of the; Occupational Pneumoconiosis Board 2019-2020 Annual Report

Insurance Commissioner, State of West Virginia Offices of the; West Virginia State Agency Workers' Compensation Annual Report

Insurance Commissioner, State of West Virginia Offices of the; 2019-2020 Annual Report

Insurance Commissioner, State of West Virginia Offices of the; Consumer Advocate Annual Report

Insurance Commissioner, State of West Virginia Offices of the; 2020 Annual Medical Malpractice Report

Judicial Compensation Commission, West Virginia; Report of the Judicial Compensation Commission 2020

Justice and Community Services, Division of Administrative; "Justice Reinvestment Initiative S.B. 371 July 1, 2019-June 30, 2020, Annual Report"

Justice and Community Services, Division of Administrative; "Juvenile Justice Subcommittee September 1, 2019-August 31, 2020, Annual Report"

Justice and Community Services, Division of Administrative; "Sexual Assault Forensic Examination (SAFE) Commission Annual Report September 1, 2019-August 31, 2020"

Justice and Community Services, Division of Administrative; "West Virginia Community Corrections Act July 1, 2019-June 30, 2020, Annual Report"

Justice and Community Services, Division of Administrative; "Law Enforcement Professional Standards (LEPS) Subcommittee/Program July 1, 2019-June 30, 2020"

Land Trust, West Virginia; Annual Report 2019

Legislative Claims Commission, West Virginia; Supplemental Report December 2020

Legislative Claims Commission, West Virginia; November 2020 Report of the Legislative Claims Commission

Lottery, West Virginia; "Comprehensive Annual Financial Report for the Fiscal Years Ended June 30, 2019, and 2018"

Lottery, West Virginia; 2020 Comprehensive Annual Financial Report for the Fiscal Years Ended June 30, 2020, and 2019

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending February 29, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending March 31, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending April 30, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending May 31, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending June 30, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending July 31, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending August 31, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending September 30, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending October 31, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending November 30, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending December 31, 2020

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending January 31, 2021

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending February 28, 2021

Medical Imaging and Radiation Therapy Technology Board of Examiners, West Virginia; Annual Report 2020

Municipal Bond Commission, West Virginia; Annual Summary of Receipts and Disbursements July 1, 2019-June 30, 2020

National Coal Heritage Area Authority; 2020 Annual Report

Natural Resources, West Virginia Division of; 2019-2020 West Virginia Division of Natural Resources Annual Report

Nursing Home Administrators Licensing Board; Annual Report 2020

Occupational Therapy, West Virginia Board of; Annual Report 2019-2020

Osteopathic Medicine, West Virginia School of; Annual Report

Privacy Office, West Virginia State; 2018-2019 Annual Report

Psychologists, West Virginia Board of; 2019-2020 Annual Report

Public Service Commission, West Virginia; State of West Virginia Public Utility Assessments Tax Year 2021

Public Service Commission, West Virginia; 2020 Management Summary Report and the Electric and Natural Gas Utilities Supply-Demand Forecasts for 2021-2030

Public Transit, West Virginia Division of Transportation/Division; 2019 Annual State Safety Oversight Report to the Governor

Regional Councils, West Virginia Association of; 2019 Annual Report

Regional Intergovernmental Council; 2020 Annual Report Boone, Clay, Kanawha, and Putnam

Rehabilitation Services, West Virginia Division of; 2021 Annual Report

Risk and Insurance Management, State of West Virginia Department of Administration;
BRIM Annual Report 2020

Ron Yost Personal Assistance Services; 2020 Annual Report

Southern States Energy Board; Annual Report 2020

Tax Department, West Virginia State; "Manufacturing Property Tax Adjustment Credit
Report to the Joint Committee on Government and Finance July 1, 2020"

Tax Department, West Virginia State; Tax Credit Review and Accountability Report for the
West Virginia Economic Opportunity Tax Credit and the West Virginia Manufacturing
Investment Tax Credit

Tax Department, West Virginia State; West Virginia Tax Expenditure Study for 2021

Transportation, West Virginia Department of; Division of Public Transit- State Safety
Oversight Program-2020 Annual Safety Report to the Governor

Transportation, West Virginia Department of; The Office of Administrative Hearings
Annual Report Fiscal Year 2020

Transportation, West Virginia Department of; Aeronautics Commission 2020 Annual
Report to the Governor

Treasurer, West Virginia State; Cash Management Improvement Act CIMA Annual Report
for fiscal years 2020

Treasury Investments, West Virginia Board of; "Audited Financial Statements with
Supplementary & Other Financial Information Year Ended 6/30/20"

Treasury Investments, West Virginia Board of; Comprehensive Annual Financial Report
Fiscal Year Ended

Veterinary Medicine, West Virginia Board of; Biennium Report 2019 and 2020

Water Development Authority, West Virginia; 2020 Annual Report

Water Sanitation Commission, Ohio River Valley; Annual Report

Sincerely,

Jim Justice
Governor

Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 8, 2022

**EXECUTIVE MESSAGE NO. 3
2022 REGULAR SESSION**

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
State Capitol, Rm 228M
Charleston, WV 25305

Dear Mr. Speaker:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of April 8, 2021 through March 7, 2022.

Very truly yours,

Jim Justice
Governor

A communication from His Excellency, the Governor, advised that on March 8, 2022, he approved **Com. Sub. for S. B. 221 and Com. Sub. for S. B. 452**.

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. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions.

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION, AND RENEWAL.**§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.**

(a) (1) No person, except those hereinafter expressly exempted, may drive a motor vehicle upon a street or highway in this state or upon a subdivision street used by the public generally unless the person has a valid driver's license issued pursuant to this code for the type or class of vehicle being driven.

(2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the privilege thereby granted in the manner provided in this code and, except as otherwise provided by law, is not required to obtain any other license to exercise the privilege by a county, municipality, or local board or body having authority to adopt local police regulations.

(b) The division, upon issuing a driver's license, shall indicate on the license the type or general class or classes of vehicles the licensee may operate in accordance with this code, federal law, or rule. Licenses shall be issued in different colors for those drivers under age 18, those drivers age 18 to 21, and adult drivers. The commissioner is authorized to select and assign colors to the licenses of the various age groups.

(c) The following drivers' licenses classifications are hereby established:

(1) A Class A, B, or C license shall be issued to those persons 18 years of age or older with two years of driving experience who have qualified for the commercial driver's license established by chapter 17E of this code and the federal Motor Carrier Safety and Improvement Act of 1999 subsequent rules, and have paid the required fee.

(2) A Class D license shall be issued to those persons 18 years and older with one year of driving experience who operate motor vehicles other than those types of vehicles which require the operator to be licensed under the provisions of chapter 17E of this code and federal law and rule and whose primary function or employment is the transportation of persons or property for compensation or wages and have paid the required fee. For the purpose of regulating the operation of motor vehicles, wherever the term 'chauffeur's license'" is used in this code, it means the Class A, B, C, or D license described in this section or chapter 17E of this code or federal law or rule: *Provided*, That anyone not required to be licensed under the provisions of chapter 17E of this code and federal law or rule and who operates a motor vehicle registered or required to be registered as a Class A motor vehicle, as that term is defined in §17A-10-1 of this code, with a gross vehicle weight rating of less than 8,001 pounds, is not required to obtain a Class D license.

(3) A Class E license shall be issued to persons who have qualified for a driver's license under the provisions of this chapter and who are not required to obtain a Class A, B, C, or D license and who have paid the required fee. The Class E license may be endorsed under ~~the provisions of~~ §17B-2-7b of this code for motorcycle operation. The Class E or G license for a person under the age of 18 may also be endorsed with the appropriate graduated driver license level in accordance with ~~the provisions of~~ §17B-2-3a of this code.

(4) A Class F license shall be issued to those persons who successfully complete the motorcycle examination procedure provided by this chapter and have paid the required fee but who do not possess a Class A, B, C, D, or E driver's license.

(5) A Class G driver's license or instruction permit shall be issued to a person using bioptic telescopic lenses who has successfully completed an approved driver training program and complied with all other requirements of §17B-2B-1 *et seq.* of this code.

(d) All licenses issued under this section may contain information designating the licensee as a diabetic, an organ donor, ~~as~~ deaf or hard-of-hearing, as having any other handicap or disability, or that the licensee is an honorably discharged veteran of any branch of the Armed Forces of the United States, according to criteria established by the division, if the licensee requests this information on the license. An honorably discharged veteran may be issued a replacement license without charge if the request is made before the expiration date of the current license and the only purpose for receiving the replacement license is to get the veterans designation placed on the license.

(e) No person, except those hereinafter expressly exempted, may drive a motorcycle on a street or highway in this state or on a subdivision street used by the public generally unless the

person has a valid motorcycle license, a valid license which has been endorsed under §17A-2-17b of this code for motorcycle operation, or a valid motorcycle instruction permit.

(f) (1) An identification card may be issued to a person who:

(A) Is a resident of this state in accordance with ~~the provisions of~~ §17A-3-1a of this code;

(B) Has reached the age of two years or, for good cause shown, under the age of two;

(C) Has paid the required fee of \$5 per year. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U.S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year: *Provided, however*, That no fees or charges, including renewal fees, are required if the applicant:

(i) Is 65 years or older;

(ii) Is legally blind; or

(iii) Will be at least 18 years of age at the next general, municipal, or special election and intends to use this identification card as a form of identification for voting; and

(D) Presents a birth certificate or other proof of age and identity acceptable to the division with a completed application on a form ~~furnished~~ supplied by the division.

(2) The identification card shall contain the same information as a driver's license except that the identification card shall be clearly marked as an identification card. The division may issue an identification card with less information to persons under the age of 16. The division may issue an identification card without a photograph pursuant to subdivision (4) of this subsection. An identification card may be renewed annually on application and payment of the fee required by this section.

(A) Every identification card issued to a person who has attained his or her 21st birthday expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued for less than three years or for more than seven years and expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five.

(B) Every identification card issued to a person who has not attained his or her 21st birthday expires 30 days after the licensee's 21st birthday.

(C) Every identification card issued to persons under the age of 16 shall be issued for a period of two years and expire on the last day of the month in which the applicant's birthday occurs.

(3) The division may issue an identification card to an applicant whose privilege to operate a motor vehicle has been refused, canceled, suspended, or revoked under the provisions of this code.

(4) Notwithstanding the provisions of this article to the contrary, the division may issue an identification card without a photograph to an applicant who under oath or affirmation affirms, subject to the laws of perjury and on a form supplied by the division, that the applicant is a member

of a recognized religious sect that has established tenets and teachings due to which the applicant is conscientiously opposed to posing for a photograph. The form supplied by the division pursuant to this subdivision shall advise the applicant that an identification card without a photograph may not be acceptable for all identification purposes.

(g) For any person over the age of 50 years who wishes to obtain a driver's license or identification card under the provisions of this section:

(1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is not required if the issuing jurisdiction does not require one; and

(2) If documents are lacking to prove all changes of name in the history of any such applicant, applicants renewing a driver's license or identification card under the provisions of this section may complete a Name Variance Approval Document as instituted by the division, so long as they can provide:

(A) Proof of identity;

(B) Proof of residency; and

(C) A valid Social Security number.

(3) The division may waive any documents necessary to prove a match between names, so long as the division determines the person is not attempting to:

(A) Change his or her identity;

(B) Assume another person's identity; or

(C) Commit fraud.

(h) A person over the age of 70 years, or who is on Social Security Disability, who wishes to obtain or renew a driver's license or identification card under the provisions of this section, may not be required to ~~furnish~~ supply a copy of a birth certificate if they can provide:

(1) Proof of identity;

(2) Proof of residency;

(3) A valid Social Security number; and

(4) One of the following identifying items:

(A) A form of military identification, including a DD214 or equivalent;

(B) A U.S. passport, whether valid or expired;

(C) School records, including a yearbook;

(D) A religious document, that in the judgment of the division is sufficient and authentic to reflect that the person was born in the United States; or

(E) An expired driver's license, employment identification card, or other reliable identification card with a recognizable photograph of the person.

(i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 and, upon a second or subsequent conviction, shall be fined not more than \$500 or confined in jail not more than six months, or both fined and confined.

And,

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

Com. Sub. for H. B. 2177 – “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to identification cards without a photograph; authorizing the Division of Motor Vehicles to issue identification cards without a photograph; setting forth requirements for a form supplied by the division; and specifying requirements for applicants of an identification card without a photograph to obtain such a license.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 432**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Martin.

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. 2177) passed.

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

On this question, the yeas and nays were taken (**Roll No. 433**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Martin.

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. 2177) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 2817, Donated Drug Repository Program.

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

On page nine, section six, after line fifty-one, by adding thereto two new subsections, designated subsections (p) and (q), to read as follows:

“(p) When complying with the provisions of this article and the rules and regulations adopted pursuant to this article, unless an action or omission constitutes willful or wanton misconduct, the following persons or entities shall not be subject to criminal or civil prosecution, criminal or civil liability for injury, death, or loss to person or property, other criminal or civil action, or disciplinary actions by licensing, professional, or regulatory agencies:

(1) A person that donates or gives drugs to an eligible recipient, including a drug wholesaler, reverse distributor pharmacy, third-party logistics provider, government entity, hospital, or health care facility;

(2) An eligible recipient;

(3) A health care professional who prescribes or dispenses a donated drug;

(4) The Board of Pharmacy;

(5) An intermediary that helps administer the program by facilitating the donation or transfer of drugs to eligible recipients;

(6) A repackager of a donated drug; and

(7) Any employee, volunteer, trainee, or other staff of individuals and entities listed in subdivisions (1) through (6).

(q) An entity participating in a drug donation or repository program operated by another state may participate in this program, and in the case of a pharmacy, may dispense donated drugs to residents of this state. This entity is required to comply with all laws and rules in this state unless such laws or rules differ or conflict with the laws or rules of the state in which the entity is located.”

And,

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

H. B. 2817 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligibility requirements; establishing how the drugs are to be treated; permitting a handling fee; defining terms; providing for liability protection; providing criminal immunity; providing that entity participating in a drug donation operated by another state may participate in this program and in the case of a pharmacy may dispense donated drugs to the residents of this state; and requiring rulemaking.”

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

On page 1, subdivision (1), after the word, “wholesaler,” by inserting the words, “drug manufacturer,”;

And,

On page 1, subdivision (6), after the word, “repackager” by inserting the words, “or manufacturer”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 434**), and there were— yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2817) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage.

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. ABANDONED MINE LANDS AND RECLAMATION ACT.

§22-2-10. Benefits derived from substances separated by treatment of pollution from mine drainage in the waters of the state; public policy; legislative findings, intent, and purpose; severability.

(a) *Public Policy.* It is the long-standing public policy of the State of West Virginia, pursuant to § 22-11-1 et seq. of this code, the Water Pollution Control Act, that the state is compelled to maintain reasonable standards of purity and quality of the waters of the state which are consistent with public health and the protection of all forms of life. It is also the long-standing public policy of this state, pursuant to § 20-2-1 et seq. of this code, that wildlife resources in this state shall be held as a public trust by the state and protected for the use and enjoyment of its citizens.

(b) *Legislative Findings, Intent, and Purpose.* The Legislature finds that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state. The Legislature finds that the necessary and expensive treatment of mine drainage to remove pollution from the waters of the state, and disposal of the same, may produce materials that contain valuable concentrations of rare earth elements, critical materials, and other substances which may be utilized for commercial gain. The Legislature finds that these materials

found within the waters of the state are part of the water and can only be separated from the water with expensive and continuing investments of resources which may last for decades. The Legislature enacts this section with the intent of fulfilling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state, consistent with public health and the protection of all forms of life, by encouraging investments into the treatment of mine drainage.

(c) Notwithstanding any provision of this code or common law to the contrary, all chemical compounds, elements, and other potentially toxic materials which are found within the waters of this state, which are derived from the treatment of mine drainage, and which have economic value, may be used, sold, or transferred by the Department of Environmental Protection, or its designee, for commercial gain and benefit. All funds received by the department shall be deposited at the discretion of the secretary into the Special Reclamation Water Trust Fund or the Acid Mine Drainage Set-Aside Fund, and used by the department to fulfill its obligations under this code: *Provided*, That nothing in this subsection shall be construed to interfere with any existing contract or the ability of the department to enter into an agreement with private parties with respect to the removal, sale, or transfer of said chemical compounds, elements, and other potentially toxic materials.

(d) Notwithstanding any provision of this code or common law to the contrary, all chemical compounds, elements, and other potentially toxic materials which are found within the waters of this state which are derived from the treatment of mine drainage, and which have economic value, may be used, sold, or transferred by any party, other than the department, who successfully removes said chemical compounds, elements, and other potentially toxic materials from the waters of this state for commercial gain and benefit: *Provided*, That nothing in this subsection shall be construed to interfere with any existing contract or the ability of parties to enter into an agreement with respect to the removal, sale, or transfer of said chemical compounds, elements, and other potentially toxic materials.

(e) The provisions of this section are severable, and if any part of this section is adjudged to be unconstitutional, unenforceable, or invalid, that determination does not affect the continuing validity of the remaining provisions of this section.”

And,

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

Com. Sub. for H. B. 4003 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to the ownership and commercial benefit of substances removed from waters of the state by the treatment of mine drainage; restating public policies concerning the maintenance of reasonable standards of purity and quality of the waters of the state consistent with public health and the protection of all forms of life; providing for legislative findings, intent, and purpose, including that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state, that such treatment may produce valuable concentrations of materials which may be utilized for commercial gain, and that said materials are part of the water; stating the legislative intent of fulfilling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state by encouraging investments into the treatment of mine drainage; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value

may be used, sold, or transferred by the Department of Environmental Protection or its designee for commercial gain and benefit; providing that all funds received by said department shall be deposited and used at the discretion of the secretary into already established environmental funds; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by any party who successfully removes the same from the waters of this state for commercial gain and benefit; providing for the protection of existing and future contracts; and providing a severability clause.”

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. 435**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Diserio, Fleischauer, Fluharty, Pushkin, Thompson, Walker and Zukoff.

Absent and Not Voting: Hamrick and Martin.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4003) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4065, Allowing the Division of Natural Resources to teach hunter’s safety courses in school.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-8a. Hunter safety orientation program.

(a) The Legislature finds that:

(1) Firearms and hunting are important parts of West Virginia’s history, culture, and economy;

(2) Unfortunately, the use of firearms while hunting or at any other time can be dangerous when the firearms are not handled in a careful and safe manner; and

(3) Therefore, the opportunity of participating in a hunter safety orientation program should be offered to students in certain grades.

(b) The State Board of Education shall establish and implement a program of instruction of hunter safety orientation with appropriate classes and hands-on training. The hunter safety orientation program may be scheduled for the regular hours of the school day, so as to work in conjunction with the regular course schedule, or may be scheduled outside of the regular hours of instruction for the school day, if the resources and student interest allow. To the extent possible, the hunter safety orientation program shall be conducted at school facilities and scheduled so that students attending the program class may also make use of regularly provided student transportation.

~~(b)~~ (c) The State Board of Education shall, with the advice of the state Superintendent of Schools and the Director of the Division of Natural Resources, promulgate a rule in accordance with the provisions of §29A-3B-1 *et seq.* of this code for the implementation of a hunter safety orientation program for use in the public schools of this state. The rule shall, at a minimum, include at least the following provisions:

~~(1) The hunter safety orientation program may be offered to students in any of the grade levels sixth through twelfth grades over a two-week period during the school year as part of physical education classes, or as part of the general curriculum offered to students in any of these grade levels, or at the end of the school day~~ The hunter safety orientation program shall be offered at least once every spring semester in every middle school of the state. At the option of each county board of education, the hunter safety orientation program may also be offered during the fall semester in any middle school in the state or may be offered in any high school in the state: *Provided*, That the demand to take the hunter safety orientation program is sufficient and that certified instructors are available. If there is an insufficient number of students at a middle school requesting or registering for the class in a given semester, the school shall not be required to conduct the class that semester. The county board of education shall have the discretion to establish the minimum number of students requesting the safety orientation program class in a semester necessary to provide the class that semester.

~~(2) The hunter safety orientation program is voluntary to students and any student may choose not to participate in the program. If a student chooses not to participate in the program, he or she shall participate in another education activity;~~

(3) The hunter safety orientation program shall include instruction relating to:

(A) The protection of lives and property against loss or damage as a result of the improper use of firearms; and

(B) The proper use of firearms in hunting, sport competition, and the care and safety of firearms in the home;

(4) The hunter safety orientation program may use materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms; and

(5) The hunter safety orientation program shall be conducted by an instructor employed or certified by the Division of Natural Resources or who has other training necessary to conduct the program as determined by the state board.

~~(c) The county superintendent may implement the hunter safety orientation program in accordance with the rule required by this section in each school in the county that includes any of~~

~~grades 6 through twelve at which, in the sole judgement of the superintendent, sufficient student interest in program enrollment justifies the program offering and an appropriately certified instructor is available~~

(d) The Division of Natural Resources shall issue a certificate of training, required by §20-2-30a of this code, to any student who completes the hunter safety orientation program.”

And,

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

Com. Sub. for H. B. 4065 – “A Bill to amend and reenact §18-2-8a of the Code of West Virginia, 1931, as amended, relating to a hunter safety orientation program in public schools; requiring program to be established and implemented; establishing parameters for scheduling; directing the State Board of Education to promulgate a rule for program requirements and implementation; and providing minimum program requirements including parameters for when the program is required to be offered.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 436**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick and Martin.

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. 4065) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

On motion of Delegate Summers, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1A. STATE ELECTION COMMISSION AND SECRETARY OF STATE.

§3-1A-9. Nonpublic funding sources for election administration and related expenses.

(a) No county commission, clerk of a county commission, municipal governing body, or other public official or body responsible for overseeing, administering, or regulating an election held within the State of West Virginia may directly receive or accept any gift, grant, contribution, or

donation of money or anything of value for election administration and related expenses from any private individual, corporation, partnership, trust, or third party, and all such gifts, grants, contributions, or donations may only be accepted, received, expended, distributed, and utilized by the Secretary of State pursuant to the requirements of this section.

(b) There is created in the State Treasury a special revenue revolving fund account known as the Nonpublic Funding for Election Administration Fund which shall be an interest-bearing account. The fund shall consist of all monetary gifts, grants, contributions, and donations from private individuals, corporations, partnerships, trusts, or any third party for election administration and related expenses; and any accrued interest or other return on the monies in the fund. The balance remaining in the fund at the end of each fiscal year shall remain in the fund and not revert to the State General Revenue Fund.

(c) The monies in the Nonpublic Funding for Election Administration Fund shall be used only in the manner and for the purposes prescribed in this section. Notwithstanding any provision of law to the contrary, monies in the Nonpublic Funding for Election Administration Fund may not be designated or transferred for any purpose other than those set forth in this section.

(d) The monies in the Nonpublic Funding for Election Administration Fund shall be invested pursuant to §12-6-1 et seq. of this code.

(e) The Nonpublic Funding for Election Administration Fund shall be administered by the Secretary of State, with the approval of the State Election Commission, in accordance with legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 et seq. of this code.

(f) All gifts, grants, contributions, or donations of tangible property or any non-monetary thing of value from private individuals, corporations, partnerships, trusts, or any third party for election administration and related expenses shall be accepted, distributed, and utilized by the Secretary of State, only with the approval of the State Election Commission, in accordance with legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 et seq. of this code.”

And,

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

H. B. 4097 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9, relating to nonpublic funding sources for election administration and related expenses; prohibiting public officials and bodies responsible for elections in West Virginia from directly receiving or accepting money or anything of value for election administration and related expenses from private parties; creating Nonpublic Funding for Election Administration Fund for receipt of all gifts of money from private parties for election administration and related expenses; prescribing use of monies in fund; providing for balance to remain in fund; requiring investment of monies in fund; requiring Secretary of State to administer fund with approval of State Election Commission; requiring Secretary of State with approval of State Election Commission to accept, distribute, and utilize private gifts of tangible property or non-monetary things of value for election administration and related expenses; and authorizing Secretary of State to promulgate legislative rules.”

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

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4141, Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards.

On motion of Delegate Kessinger, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for H. B. 4141 – “A Bill to amend and reenact §64-6-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to law enforcement training and certification standards; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer fire department equipment and training grant funding disbursement; relating to authorizing the Fire Commission to promulgate a legislative rule relating to specialized membership; relating to authorizing the Fire Commission to promulgate a legislative rule relating to junior firefighters; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the certification of fire chiefs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the use of aqueous film-forming foam (AFFF) for fire training program purposes; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials; and relating to authorizing the State Police to promulgate a legislative rule relating to career progression.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 437**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4141) passed.

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

On this question, the yeas and nays were taken (**Roll No. 438**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick.

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. 4141) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4380, Relating to transportation of athletic teams.

Delegate Summers moved the House of Delegates concur in the following amendment of the bill by the Senate:

On page three, section thirteen, lines fifty-five through sixty, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision (4), to read as follows:

“(4) Pursuant Notwithstanding any other provision of this code to the contrary and pursuant to rules established by the state board, the county board may provide for professional or service employees to be certified to drive county board-owned and insured vehicles that have a seating capacity of fewer than ten passengers including the driver. These employees may use the vehicles to transport students for school-sponsored activities, but may not use the vehicles to transport students between school and home. Not more than ~~one~~ two of these vehicles may be used for any school-sponsored activity;”;

And,

On page three, section thirteen, lines sixty-one through sixty-three, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5), to read as follows:

“(5) ~~Students~~ Notwithstanding any other provision of this code to the contrary, students may ~~not~~ be transported to a school-sponsored activity in ~~any a~~ county-owned or leased vehicle that does not meet school bus or public transit ratings if the seating capacity of the vehicle is less than 10 passengers including the driver. This section does not prohibit a parent, guardian, or other adult approved in writing by the parent or guardian from transporting ~~ten or fewer~~ students in a privately-owned vehicle;”.

And,

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

Com. Sub. for H. B. 4380 – “A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers; allowing service employees to be certified to drive certain county board-owned vehicles that professional employees currently can be certified to drive to transport students for school-sponsored activities; requiring the vehicles to be insured; providing that 10 passenger limit of the vehicles includes the driver; increasing the number of these vehicles which may be used for any school-sponsored activity; allowing students to be transported to a school-sponsored activity in a county-owned or leased vehicle that does not meet school bus or public transit ratings if the seating capacity of the vehicle is less than 10 passengers including the driver; allowing a guardian or other adult approved in writing by the parent or guardian to transport students in a privately owned vehicle; removing limit on the number of students that can be transported in a privately owned vehicle by

a parent, guardian, or other adult approved in writing by the parent or guardian; and clarifying that busses shall be used to transport nineteen or more passengers.”

On the motion to concur in the Senate amendments, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 439**), and there were—yeas 75, nays 23, absent and not voting 2, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Graves and Hamrick.

So, a majority of the members present having voted in the affirmative, the motion to concur in the amendment of the bill by the Senate prevailed.

The question being on the passage of the bill, as amended by the Senate, the yeas and nays were taken (**Roll No. 440**), and there were—yeas 69, nays 28, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Booth, Brown, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowan, Rowe, Skaff, Storch, Toney, Walker, Wamsley, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Graves, Hamrick and Thompson.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4380) passed.

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

On this question, the yeas and nays were taken (**Roll No. 441**), and there were—yeas 72, nays 26, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Booth, Brown, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowan, Rowe, Skaff, Toney, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Hamrick and Thompson.

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. 4380) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4406, To establish the West Virginia Military Hall of Fame.

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 5. WEST VIRGINIA MILITARY HALL OF FAME.

§9A-5-1. West Virginia Military Hall of Fame.

(a)(1) The secretary shall create a West Virginia Military Hall of Fame with the mission to honor veterans of West Virginia who have distinguished themselves on the field of battle and who have also made significant contributions to the state or their communities following their military service. The honorees must:

(A) Have been honorably discharged or separated under honorable conditions from the Armed Forces of the United States and be of good moral character; and

(B) Be natural born citizens of West Virginia; or

(C) Entered into or have been discharged from the Armed Forces in West Virginia; or

(D) Have resided in West Virginia for at least 8 years.

(2) Nominations shall include a nomination form approved by the secretary, a DD214 or other supporting Department of Defense personnel records, or national or state archive records substantiating the nominee’s military service, and a copy of any citation received, including any supporting documentation.

(b) In order to be considered, a nominee must have been awarded any of the following during his or her time in service:

(1) Medal of Honor;

(2) Army Distinguished Service Cross;

(3) Navy Cross;

(4) Air Force Cross;

(5) Coast Guard Cross;

(6) Silver Star;

(7) Distinguished Flying Cross;

(8) Bronze Star Medal with ‘V’ Device;

(9) Air Medal with ‘V’ Device;

(10) Commendation Medal With 'V' Device;

(11) Joint Service Achievement Medal With 'V' Device; or

(12) Purple Heart.

(c) There shall be created the West Virginia Military Hall of Fame Board consisting of seven members who shall be residents of this state and who have served in and been honorably discharged or separated under honorable conditions from the Armed Forces of the United States. In addition to the seven members of the board, the secretary shall be an *ex officio* member and shall serve as its chair.

(d) Where feasible, members of the board shall be veterans who are active in the veteran community, with consideration given to ensure a diverse representation of service branches in board membership. Additionally, no more than four members shall be from the same congressional district.

(e) The secretary shall promulgate rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the purpose and mission of the Military Hall of Fame."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 442**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick and Thompson.

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. 4406) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

H. B. 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia.

On motion of Delegate Kessinger, the House of Delegates concurred in the following Senate title amendment:

H. B. 4438 – “A Bill to amend and reenact §3-4A-9 of the Code of West Virginia, 1931, as amended, relating to minimum requirements for electronic voting systems; and requiring electronic voting systems to be independent and nonnetworked with no component connected to the internet.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 443**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick and Thompson.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 4438) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for H. B. 4499 – “A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35, and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2 of said code, all relating generally to making procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within Purchasing Division regarding manner and process of procurement of commodities and services by spending units of the state; authorizing open market procurement in emergencies; eliminating outdated references to audits of exempted agencies; allowing director to exempt certain transactions from the requirements of §5A-3-1 *et seq.*; allowing division resources to be made available to exempt spending units; clarifying that grant recipients need not pay registration fees as a vendor; establishing qualifications for state buyer and for director positions; authorizing other procurement methods in lieu of formal competitive bidding when determined to be in best interest of state; granting director discretion to increase delegated procurement limits; making procurement from nonprofit workshops optional; clarifying timing required on rebidding; changing requirement for affidavit verifying that no debt is owed to affirmation; granting director discretion to increase \$2,500 no bid limit; eliminating outdated information reporting requirements for vendor registration; clarifying procurement penalties and inventory submission language; removing surplus fees for inter-agency asset transfers; requiring inter-agency asset transfers be recorded in accordance with governmental accounting standards; shifting time for disclosure of interested party information from date of contract award to before work begins to make procurement process more efficient; and making technical changes throughout.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 444**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: McGeehan and Pushkin.

Absent and Not Voting: Hamrick.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4499) passed.

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

On this question, the yeas and nays were taken (**Roll No. 445**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: McGeehan, Pushkin and B. Ward.

Absent and Not Voting: Hamrick.

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. 4499) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process.

On motion of Delegate Kessinger, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for H. B. 4562 – “A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating generally to the suspension and dismissal of school personnel by board and the appeals process; requiring upon commencement of any fact-finding investigation involving conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, the affected employee to be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils; requiring an employee charged with the commission of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee’s job, or child abuse to be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils pending final disposition; and making it the duty of any school principal to report any employee conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, to the county superintendent within 24 hours.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 446**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Zukoff.

Absent and Not Voting: Hamrick.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4562) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1. GENERAL PROVISIONS.

§39B-1-106. Validity of power of attorney.

(a) A power of attorney executed in this state on or after the effective date of this act is valid if its execution complies with ~~section one hundred five of this article.~~ §39B-1-105 of this code.

(b) A power of attorney executed in this state before the effective date of this act is valid if its execution complied with the law of this state ~~as it~~ that existed at the time of execution.

(c) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with:

(1) The law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to §39B-1-107 of this code; or

(2) The requirements for a military power of attorney pursuant to 10 U. S. C. §1044b.

(d) Except as otherwise provided by statute other than this act, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

(e) Notwithstanding the provisions of §39B-1-102 of this code, the fact that a person is either detained, including being incarcerated in a penal system, or is outside the United States and unable to return, does not create an inference that the person lacks the capacity to execute a power of attorney.”

And,

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

Com. Sub. for H. B. 4583 – “A Bill to amend and reenact §39B-1-106 of the Code of West Virginia, 1931, as amended, relating to declaring that neither being detained, including being incarcerated in a penal system, nor being outside the United States and unable to return, creates an inference of incapacity to execute a power of attorney.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 447**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick.

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. 4583) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act.

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.

ARTICLE 7. BUREAU OF COMMUNITY CORRECTIONS.

§15A-7-5. Powers and duties of state parole officers.

(a) Each state probation and parole officer employed by the Division of Corrections and Rehabilitation shall:

(1) Investigate all cases referred to him or her for investigation by the Commissioner of Corrections and Rehabilitation and report in writing on the investigation;

(2) Update the standardized risk and needs assessment adopted by the Division of Corrections and Rehabilitation pursuant to §62-12-13(h) of this code for each parolee for whom an assessment has not been conducted for parole by a specialized assessment officer;

(3) Supervise each parolee according to the assessment and supervision standards determined by the Commissioner of Corrections and Rehabilitation;

(4) Furnish to each parolee under his or her supervision a written statement of the conditions of his or her parole together with a copy of the rules prescribed by the Commissioner of Corrections and Rehabilitation for the supervision of parolees;

(5) Keep informed concerning the conduct and condition of each parolee under his or her supervision and report on the conduct and condition of each parolee in writing as often as required by the Commissioner of Corrections and Rehabilitation;

(6) Use all practicable and suitable methods to aid and encourage a parolee and to bring about improvement in his or her conduct and condition;

(7) Keep detailed records of his or her work;

(8) Keep accurate and complete accounts of, and give receipts for, all money collected from parolees under his or her supervision, and pay over the money to persons designated by a circuit court or the Commissioner of Corrections and Rehabilitation;

(9) Give bond with good security, to be approved by the Commissioner of Corrections and Rehabilitation, in a penalty of not less than \$1,000 nor more than \$3,000, as determined by the Commissioner of Corrections and Rehabilitation; and

(10) Perform any other duties required by the Commissioner of Corrections and Rehabilitation.

(b) Each probation and parole officer, as described in this article, may, with or without an order or warrant:

(1) Arrest or order confinement of any parolee or probationer under his or her supervision; and

(2) Search a parolee or probationer, or a parolee or probationer's residence or property, under his or her supervision. A probation and parole officer may apply for a search warrant, and execute the search warrant, in connection to a parolee's whereabouts, or a parolee's activities. He or she has all the powers of a notary public, with authority to act anywhere within the state.

(c) Notwithstanding any provision of this article to the contrary, The the Commissioner of Corrections and Rehabilitation may issue a certificate authorizing any state parole officer who has successfully completed the Division of Corrections and Rehabilitation's training program for firearms certification, which is the equivalent of that required of any correctional employee under §15A-3-10 of this code, to carry firearms or concealed weapons. Any parole officer authorized by the Commissioner of Corrections and Rehabilitation may, without a state license, carry firearms and concealed weapons. Each state parole officer, authorized by the Commissioner of Corrections and Rehabilitation, shall carry with him or her a certificate authorizing him or her to carry a firearm or concealed weapon bearing the official signature of the Commissioner of Corrections and Rehabilitation.

(d) State parole officers, in recognition of the duties of their employment supervising confinement and supervised release, and the inherent arrest powers for violation of the same which constitute law enforcement, are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C §926B.

(e) Any state parole officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B if the following criteria are met:

(1) The Division of Corrections and Rehabilitation has a written policy authorizing a state parole officer to carry a concealed firearm for self-defense purposes;

(2) For those state parole officers wishing to avail themselves of the provisions of this subdivision, there shall be in place in the Division of Corrections and Rehabilitation a requirement that those state parole officers must annually qualify in the use of a firearm with standards which are equal to or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program; and

(3) The Division of Corrections and Rehabilitation issues a photographic identification and certification card which identify the state parole officers who meet the provisions of this subdivision, as law-enforcement employees of the Division of Corrections and Rehabilitation pursuant to the provisions of §30-29-12 of this code.

(f) Any policy instituted pursuant to this subsection shall include provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(g) Any state parole officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(h) It is the intent of the Legislature in enacting the amendments to this section during the 2022, regular session of the Legislature to authorize those state parole officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. § 926B.

(i) The privileges authorized by the amendments in this section enacted during the 2022, regular session of the Legislature are wholly within the discretion of the Commissioner of Corrections and Rehabilitation.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

(1) 'Approved law-enforcement training academy' means any training facility which is approved and authorized to conduct law-enforcement training as provided in this article;

(2) 'Chief executive' means the Superintendent of the State Police; the chief Natural Resources police officer of the Division of Natural Resources; the sheriff of any West Virginia

county; any administrative deputy appointed by the chief natural resources police officer of the Division of Natural Resources; or the chief of any West Virginia municipal law-enforcement agency;

(3) 'County' means the 55 major political subdivisions of the state;

(4) 'Exempt rank' means any noncommissioned or commissioned rank of sergeant or above;

(5) 'Governor's Committee on Crime, Delinquency, and Correction' or 'Governor's committee' means the Governor's Committee on Crime, Delinquency, and Correction established as a state planning agency pursuant to §15-9-1 of this code;

(6) 'Law-enforcement officer' means any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and enforce the laws of the state or any county or municipality thereof, other than parking ordinances, and includes those persons employed as campus police officers at state institutions of higher education in accordance with the provisions of §18B-4-5 of this code, persons employed as hospital police officers in accordance with the provisions of §16-5B-19 of this code, and persons employed by the Public Service Commission as motor carrier inspectors and weight-enforcement officers charged with enforcing commercial motor vehicle safety and weight restriction laws, although those institutions and agencies may not be considered law-enforcement agencies. The term also includes those persons employed as county litter control officers charged with enforcing litter laws: *Provided*, That those persons have been trained and certified as law-enforcement officers and that certification is currently active. The term also includes those persons employed as rangers by resort area districts in accordance with the provisions of §7-25-23 of this code, although no resort area district may be considered a law-enforcement agency: *Provided, however*, That the subject rangers shall pay the tuition and costs of training. As used in this article, the term "law-enforcement officer" does not apply to the chief executive of any West Virginia law-enforcement agency, ~~or~~ nor to any watchman or special natural resources police officer;

(7) 'Law-enforcement official' means the duly appointed chief administrator of a designated law-enforcement agency or a duly authorized designee;

(8) 'Municipality' means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

(9) 'Pre-certified law-enforcement officer' means a person employed or offered employment by a West Virginia law-enforcement agency prior to his or her initial certification by the subcommittee. This term does not include a person employed or offered employment by a West Virginia law-enforcement agency whose certification status is inactive, suspended, or has been revoked;

(10) 'Subcommittee' or 'law-enforcement professional standards subcommittee' means the subcommittee of the Governor's Committee on Crime, Delinquency, and Correction created by §30-29-2 of this code; and

(11) 'West Virginia law-enforcement agency' means any duly authorized state, county, or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof: *Provided*, That neither the Public Service

Commission nor any state institution of higher education, nor any hospital, nor any resort area district is a law-enforcement agency.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-719. Juvenile probation officers; appointment; salary; facilities; expenses; duties; powers.

(a)(1) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with the rules of the Supreme Court of Appeals, shall appoint one or more juvenile probation officers and clerical assistants for the circuit. A probation officer or clerical assistant may not be related by blood or marriage to the appointing judge.

(2) The salary for juvenile probation officers and clerical assistants shall be determined and fixed by the Supreme Court of Appeals. All expenses and costs incurred by the juvenile probation officers and their staff shall be paid by the Supreme Court of Appeals in accordance with its rules. The county commission of each county shall provide adequate office facilities for juvenile probation officers and their staff. All equipment and supplies required by juvenile probation officers and their staff shall be provided by the Supreme Court of Appeals.

~~(3) A juvenile probation officer may not be considered a law-enforcement official under this chapter~~

(b) In recognition of the duties of their employment supervising confinement and supervised release, and the inherent arrest powers for violation of the same which constitute law enforcement, state juvenile probation officers are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C. § 926B.

(c) Any state juvenile probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing a state juvenile probation officer to carry a concealed firearm for self-defense purposes;

(2) There shall be in place in the Supreme Court of Appeals a requirement that state juvenile probation officers must annually qualify in the use of a firearm with standards which are equal to or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program; and

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state juvenile probation officers as law-enforcement employees as that term is contemplated by 18 U.S.C. § 926B.

(d) Any policy instituted pursuant to this subsection includes provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(e) Any state juvenile probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(f) It is the intent of the Legislature in enacting the amendments to this section during the 2022, regular session of the Legislature to authorize state juvenile probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. § 926B.

(g) The privileges authorized by the amendments to this section enacted during the 2022, regular session of the Legislature are wholly within the discretion of the Supreme Court of Appeals.

~~(b)~~ (h) The clerk of a court shall notify, if practicable, the chief probation officer of the county, or his or her designee, when a juvenile is brought before the court or judge for proceedings under this article. When notified, or if the probation officer otherwise obtains knowledge of such fact, he or she or one of his or her assistants shall:

(1) Make investigation of the case; and

(2) Furnish information and assistance that the court or judge may require.

~~(e)~~ (i) (1) The Supreme Court of Appeals may develop a system of community-based juvenile probation sanctions and incentives to be used by probation officers in response to violations of terms and conditions of probation and to award incentives for positive behavior.

(2) The community-based juvenile probation sanctions and incentives may consist of a continuum of responses from the least restrictive to the most restrictive, designed to respond swiftly, proportionally, and consistently to violations of the terms and conditions of probation and to reward compliance therewith.

(3) The purpose of community-based juvenile probation sanctions and incentives is to reduce the amount of resources and time spent by the court addressing probation violations, to reduce the likelihood of a new status or delinquent act, and to encourage and reward positive behavior by the juvenile on probation prior to any attempt to place a juvenile in an out-of-home placement.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(l) of this code, are enacted as a reasonable regulation of the manner in which

citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds ~~thereof~~ of the facility; or

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring;

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county, or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile probation officer appointed pursuant to §49-4-719 ~~chapter 49~~ of this code, in the performance of his or her duties;

(C) Any home confinement supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

~~(C)~~ (E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has on his or her person official identification in accordance with that act;

~~(D)~~ (F) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

~~(E)~~ (G) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

~~(F)~~ (H) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

~~(G)~~ (I) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

~~(H)~~ ~~(J)~~ The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

~~(H)~~ ~~(K)~~ Any person, 21 years old or older, who has a valid concealed handgun permit. That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That:*

(i) When he or she is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or

(ii) When he or she is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff, or municipal police agency.

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code, and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a

notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 11B. HOME INCARCERATION ACT.

§62-11B-7b. Home incarceration supervisors deemed qualified law-enforcement officers as that term is used in 18 U.S.C. §926B.

(a) Notwithstanding any other provision of this code, for purposes of this section it is hereby recognized that home incarceration is a form of confinement as that term is used in 18 U.S.C. § 926B.

(b) In recognition of the duties of their employment supervising confinement and supervised release, and the inherent arrest powers for violation of the same which constitute law enforcement, home incarceration supervisors, are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C. § 926B.

(c) Any home incarceration supervisor may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B if the following criteria are met:

(1) The home incarceration program has a written policy authorizing home incarceration supervisors to carry a concealed firearm for self-defense purposes.

(2) There is in place in the home incarceration program a requirement that the home incarceration supervisors must regularly qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies in the county in which the home incarceration supervisors are employed; and

(3) The home incarceration program issues a photographic identification and certification card which identify the home incarceration supervisors as law-enforcement employees of the home incarceration program of §30-29-12 of this code.

(d) Any policy instituted pursuant to subsection (b) of this section shall include provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm; and

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(e) Any home incarceration supervisor who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(f) The privileges authorized by the amendments to this section enacted during the 2022, regular session of the Legislature are wholly within the discretion of the supervising authority over the home incarceration supervisors.

(g) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize home incarceration programs wishing to do so to allow home incarceration supervisors to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. § 926B.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Probation officers and assistants.

(a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with its rules, is authorized to appoint one or more probation officers and clerical assistants.

(b) The appointment of probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of ~~said the~~ order of appointment shall be delivered to the Administrative Director of the Supreme Court of Appeals. The order of appointment shall state the annual salary, fixed by the judge and approved by the Supreme Court of Appeals, to be paid to the appointed probation officer or clerical assistants-~~so appointed~~.

(c) The salary of probation officers and clerical assistants shall be paid at least twice per month, as the Supreme Court of Appeals by rule may direct, and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. The salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his or her assistants to be approved by the appointing court. The equipment and supplies as may be needed by the probation officer and his or her assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

(d) ~~No~~ A judge may not appoint any probation officer, assistant probation officer, or clerical assistant who is related to him or her either by consanguinity or affinity.

(e) Subject to the approval of the Supreme Court of Appeals and in accordance with its rules, a judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of the circuit or may appoint the same persons to serve in these respective positions in two or more counties in the circuit.

(f) Nothing contained in this section alters, modifies, affects, or supersedes the appointment or tenure of any probation officer, medical assistant, or psychiatric assistant appointed by any court under any special act of the Legislature heretofore enacted, and the salary or compensation of those persons shall remain as specified in the most recent amendment of any special act until changed by the court, with approval of the Supreme Court of Appeals, by order entered of record, and any such salary or compensation shall be paid out of the State Treasury.

(g) In order to carry out the supervision responsibilities set forth in §62-26-12 of this code, the Administrative Director of the Supreme Court of Appeals, or his or her designee, in accordance with the court's procedures, ~~is authorized~~ may to hire multijudicial-circuit probation officers, to be

employed through the court's Division of Probation Services. Such officers may also supervise probationers who are on probation for sexual offences with the approval of the administrative director of the Supreme Court of Appeals or his or her designee.

(h) In recognition of the duties of their employment supervising confinement and supervised release, and the inherent arrest powers for violation of the same which constitute law enforcement, state probation officers are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C. § 926B.

(i) Any state probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing probation officers to carry a concealed firearm for self-defense purposes.

(2) There is in place a requirement that the state probation officers annually qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state probation officers as qualified law-enforcement employees pursuant to the provisions of §30-29-12 of this code.

(j) Any policy instituted pursuant to this subsection shall include provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(k) Any state probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(l) It is the intent of the Legislature in enacting the amendments to this section during the 2022 regular session of the Legislature to authorize state probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. § 926B.

(m) The privileges authorized by the amendments to this section enacted during the 2022 regular session of the Legislature are wholly within the discretion of the Supreme Court of Appeals.

§62-12-6. Powers and duties of probation officers.

(a) Each probation officer shall:

(1) Investigate all cases which the court refers to the officer for investigation and shall report in writing on each case;

(2) Conduct a standardized risk and needs assessment, using the instrument adopted by the Supreme Court of Appeals of West Virginia, for any probationer for whom an assessment has not been conducted either prior to placement on probation or by a specialized assessment officer. The results of all standardized risk and needs assessments are confidential;

(3) Supervise the probationer and enforce probation according to assessment and supervision standards adopted by the Supreme Court of Appeals of West Virginia;

(4) Furnish to each person released on probation under the officer's supervision a written statement of the probationer's conditions of probation together with a copy of the rules prescribed by the Supreme Court of Appeals;

(5) Stay informed concerning the conduct and condition of each probationer under the officer's supervision and report on the conduct and condition of each probationer in writing as often as the court requires;

(6) Use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition;

(7) Perform random drug and alcohol testing on probationers under his or her supervision as directed by the circuit court;

(8) Maintain detailed work records; and

(9) Perform any other duties the court requires.

(b) The probation officer may, with or without an order or warrant, arrest any probationer as provided in section 10 of this article, and arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release who is arrested shall be brought before the court for a prompt and summary hearing.

(c) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer's official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction. The qualifications shall include the successful completion of handgun training, which is comparable to the handgun training provided to law-enforcement officers by the State Police and includes a minimum of four hours' training in handgun safety.

(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

~~(3) Nothing in this subsection includes probation officers within the meaning of law-enforcement officers as defined in section one, article twenty-nine, chapter thirty of this code.~~

(d) The Supreme Court of Appeals of West Virginia may adopt a standardized risk and needs assessment with risk cut-off scores for use by probation officers, taking into consideration the assessment instrument adopted by the Division of Corrections and Rehabilitation under subsection (h), section 13 of this article and the responsibility of the Division of Justice and

Community Services to evaluate the use of the standardized risk and needs assessment. The results of any standardized risk and needs assessment are confidential.”

And,

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

Com. Sub. for H. B. 4596 – “A Bill to amend and reenact §15A-7-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-29-1 of said code; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend said code by adding thereto a new section designated §62-11B-7b; and to amend and reenact §62-12-5 and §62-12-6 of said code all relating generally to recognizing additional professions qualifying for protections under the Law-Enforcement Officers Safety Act; clarifying that home incarceration supervisors, state adult probation officers, state juvenile probation officers, and state parole officers are, by virtue of their duties, qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of educational facilities; providing the statutory authority to give home incarceration supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law-enforcement officers if they have not previously done so; setting forth the duties of supervising authorities as to participation of home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers, and removing a duplicative reference to probation officers in code.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 448**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick and Young.

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. 4596) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4647, Relating to the Board of Funeral Service Examiners.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

‘Alkaline hydrolysis’ means the reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation, and pressure to accelerate natural decomposition; the processing of hydrolyzed remains after removal from the alkaline hydrolysis vessel; placement of the processed remains in a hydrolyzed remains container; and release of the hydrolyzed remains to an appropriate party. Alkaline hydrolysis is a form of final disposition.

~~(a)~~ ‘Apprentice’ means a person who is preparing to become a licensed funeral director or a funeral service licensee and—embalmer and is learning the practice of embalming, funeral directing, or cremation under the direct supervision and personal instruction of a duly licensed embalmer or funeral director: funeral service licensee.

~~(b)~~ ‘Authorized representative’ means a person legally authorized or entitled to order the cremation or burial of the deceased, as established by rule. An authorized representative may include in the following order of precedence:

~~(1)~~ (a) The deceased, who has expressed his or her wishes regarding the disposal of their remains through a last will and testament, an advance directive, or preneed funeral contract, as defined in §45-14-2 of this code;

~~(2)~~ (b) The surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of decedent’s death;

~~(3)~~ (c) An individual previously designated by the deceased as the person with the right to control disposition of the deceased’s remains in a writing signed and notarized by the deceased: *Provided*, That no person may be designated to serve in such capacity for more than one nonrelative at any one time;

~~(4)~~ (d) The deceased’s next of kin;

~~(5)~~ (e) A court order;

~~(6)~~ (f) A public official who is charged with arranging the final disposition of an indigent deceased; or

~~(7)~~ (g) A representative of an institution who is charged with arranging the final disposition of a deceased who donated his or her body to science.

~~(c)~~ ‘Board’ means the West Virginia Board of Funeral Service Examiners.

~~(d)~~ ‘Certificate’ means a certification by the board to be a crematory operator.

~~(e)~~ 'Courtesy card holder' means a person who only practices funeral directing periodically in West Virginia and is a licensed embalmer and funeral director in a state which borders West Virginia.

~~(f)~~ 'Cremated remains' or 'cremains' means all human remains, including foreign matter cremated with the human, recovered after the completion of cremation.

~~(g)~~ 'Cremation' means the mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and then further reduced by additional pulverization, burning, or re-cremating when necessary.

~~(h)~~ 'Crematory' means a licensed place of business where a deceased human body is reduced to ashes and bone fragments. ~~and includes a crematory that stands alone or is part of or associated with a funeral establishment~~

~~(i)~~ 'Crematory operator' means a person certified by the board to operate a crematory.

~~(j)~~ 'Crematory operator in charge' means a certified crematory operator who accepts responsibility for the operation of a crematory.

~~(k)~~ 'Deceased' means a dead human being for which a death certificate is required.

~~(l)~~ 'Embalmer' means a person licensed to practice embalming.

~~(m)~~ 'Embalming' means the practice of introducing chemical substances, fluids, or gases used for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead human body by arterial or hypodermic injection for the restoration of the physical appearance of a deceased.

~~(n)~~ 'Funeral' means a service, ceremony, or rites performed for the deceased with a body present.

~~(o)~~ 'Funeral directing' means the business of engaging in the following:

~~(1)~~ (a) The shelter, custody, or care of a deceased;

~~(2)~~ ~~The preparation of a deceased for burial or other disposition~~

~~(3)~~ (b) The arranging or supervising of a funeral or memorial service for a deceased; and

~~(4)~~ (c) The maintenance of a funeral establishment for the preparation, care, or disposition of a deceased.

~~(p)~~ 'Funeral director' means a person licensed to practice funeral directing.

~~(q)~~ 'Funeral establishment' means a licensed place of business devoted to the care, preparation, and arrangements for the transporting, embalming, funeral, burial, or other disposition of a deceased. A funeral establishment can include a licensed crematory.

~~(r)~~ 'Funeral service licensee' means a person licensed after July 1, 2003, to practice embalming and funeral directing.

~~(e)~~ 'License' means a license, which is not transferable or assignable, to:

~~(1)~~ (a) Practice embalming and funeral directing; and,

~~(2)~~ (b) Operate a crematory or a funeral establishment.

~~(f)~~ "Licensee" means a person holding a license issued under the provisions of this article.

~~(g)~~ 'Licensee in charge' means a licensed embalmer and funeral director who accepts responsibility for the operation of a funeral establishment.

~~(h)~~ 'Memorial service' means a service, ceremony, or rites performed for the deceased without a body present.

~~(i)~~ 'Mortuary' means a licensed place of business devoted solely to the shelter, care, and embalming of the deceased.

~~(j)~~ 'Person' means an individual, partnership, association, corporation, not-for-profit organization, or any other organization.

~~(k)~~ 'Registration' means a registration issued by the board to be an apprentice to learn the practice of embalming, funeral directing, or cremation.

~~(l)~~ 'State' means the State of West Virginia.

§30-6-8. Embalmer license requirements.

~~(a)~~ The board shall issue a license to practice embalming to an applicant who:

~~(1)~~ (a) ~~Is of good moral character~~ Is free of a felony conviction bearing a rational nexus to the profession pursuant to §30-1-24 of this code;

~~(2)~~ (b) Is 18 years of age or over;

~~(3)~~ (c) Is a citizen of the United States or is eligible for employment in the United States;

~~(4)~~ (d) Has a high school diploma or its equivalent;

~~(5)~~ (e) Has completed one of the following education requirements, as evidenced by a transcript submitted to the board for evaluation:

~~(A)~~ ~~(i)~~ (1)(A) Has an associate degree from an accredited college or university; or

~~(ii)~~ (2) Has successfully completed at least 60 semester hours or 90 quarter hours of academic work in an accredited college or university toward a baccalaureate degree with a declared major field of study; and

~~(iii)~~ (3) Has graduated from a school of mortuary science, accredited by the American Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation the completion of a course of study of not less than 12 months; or

~~(B)~~ Has a bachelor degree in mortuary science from an accredited college or university;

~~(6)~~ (f) Has completed a one-year apprenticeship, under the supervision of a licensed embalmer and funeral director actively and lawfully engaged in the practice of embalming and funeral directing in this state, which apprenticeship consisted of:

(A) ~~(1)~~ Diligent attention to the work in the course of regular and steady employment and not as a side issue to another employment; and

~~(B)~~ ~~(2)~~ The apprentice taking an active part in:

(i) ~~(A)~~ The operation of embalming not less than 35 dead human bodies; and

(ii) ~~(B)~~ Conducting not less than 35 funeral services;

~~(7)~~ (g) Passes, with an average score of not less than 75 percent, the following examinations:

~~(A)~~ ~~(1)~~ ~~The National Conference of Funeral Services International Conference of Funeral Service Examining Boards examination at a testing site provided by the national conference, which passage is a condition precedent to taking the state law examination;~~

~~(B)~~ ~~The state law examination administered by the board, which examination must be offered at least twice each year~~

~~(B)~~ ~~(2)~~ ~~The West Virginia Laws, Rules, and Regulations Examination, administered by the International Conference of Funeral Service Examining Boards; and~~

~~(C)~~ ~~(3)~~ Any other examination required by the board; and

~~(8)~~ (h) Has paid all the appropriate fees.

~~(b)~~ A license to practice embalming issued by the board prior to July 1, 2012, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, 2012, must renew the license pursuant to the provisions of this article.

§30-6-9. Funeral director license requirements.

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

~~(1)~~ ~~Holds an embalmer's license issued by the board; and~~

~~(1)~~ Completed a bachelor's degree from an accredited institution; and

~~(2)~~ Completed a two-year apprenticeship under the supervision of a licensee in charge or an active licensed funeral director; and

~~(2)~~ ~~(3)~~ Has paid all the appropriate fees.

~~(b)~~ The two-year apprenticeship must consist of the following work:

~~(1)~~ Diligent attention to the work in the course, or regular and steady employment, and not as a side issue to another employment;

(2) Conducting not less than 35 disposition arrangements for individuals;

(3) Conducting not less than 35 funeral and/or memorial services; and

(4) Passes with an average score of not less than 75 percent, the West Virginia Laws, Rules, and Regulations Examination.

~~(b)~~ (c) A license to practice funeral directing issued by the board prior to July 1, 2002, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, 2002 2022, must renew the license pursuant to the provisions of this article.

§30-6-15. Continuing education.

~~(a) The board shall conduct annually a school of instruction to apprise funeral directors and embalmers of the most recent scientific knowledge and developments affecting their profession. This school shall qualify as continuing education and shall fulfill as many continuing education required hours as the board specifies. Qualified lecturers and demonstrators may be employed by the board for this purpose. The board shall give notice of the time and place at which the school will be held for all licensed funeral directors and embalmers: *Provided*, That the location of any school of continuing education shall accommodate the geographic diversity of the embalmers and funeral directors of this state~~

~~(b)~~ (a) Hours of continuing education may be obtained by attending and participating in board-approved programs, meetings, seminars, or activities. It is the responsibility of each licensee to finance his or her costs of continuing education.

~~(c)~~ (b) Compliance with the requirements of continuing education, as specified by the board, is a prerequisite for license renewal.

§30-6-16. Inspector and inspection requirements.

(a) All inspectors employed by the board to inspect funeral establishments and crematories, pursuant to the provisions of this article, shall have a West Virginia embalmer's license and a West Virginia funeral director's license.

(b) Each inspector shall inspect a specific region, as designated by the board. Any person being employed as an inspector is prohibited from inspecting in the region in which he or she practices. If there is only one inspector, a board member, who is not from the region where the inspector practices, is authorized to inspect the facilities in the region where the inspector practices.

(c) All inspections shall be conducted in a manner so as not to interfere with the conduct of business within the funeral establishment or crematory. The board has the authority to enter, at all reasonable hours, for the purpose of inspecting the premises in which the business of embalming, funeral directing, or cremating is conducted.

(d) All of an inspector's expenses, per diem, and compensation shall be paid out of the receipts of the board, but the allowances shall at no time exceed the receipts of the board.

(e) The board is authorized to set fees for inspections: *Provided*, That there shall be no fee for ~~an annual~~ a biennial inspection, based on the funeral establishment's renewal date.

§30-6-17. Apprenticeship.

(a) After ~~January 1, 2003~~ July 1, 2022, the board shall issue a registration to be an apprentice ~~funeral director or apprentice embalmer~~ funeral service licensee to an applicant who meets the following requirements:

(1) ~~Is of good moral character and temperate habits~~ Is free of a felony conviction bearing a rational nexus to the profession pursuant to §30-1-24 of this code;

(2) Is 18 years of age or over;

(3) A is a citizen of the United States or be eligible for employment in the United States;

(4) Has a high school diploma or its equivalent;

~~(5) Has completed one of the education requirements for an embalmer's license, as set out in subdivision (5), subsection (a), section eight of this article;~~

~~(6) Is not attending school and will not be attending school during the apprenticeship period;~~

(5) The required 60 semester hours or 90 quarter hours of college or university credits and mortuary school can be completed prior to, during, or after the apprenticeship; and

~~(7)~~ (6) Has paid the appropriate fees.

(b) Any person that commences an apprenticeship prior to January 1, 2003, may continue to serve such apprenticeship and is not subject to the requirements set forth in this section, but is subject to board approval.

(c) The board may set the requirements for an apprenticeship, including the manner in which it shall be served and the length of time, which shall not be more than one year for a funeral service licensee and shall not be more than two years for a funeral director.

(d) No licensed funeral director or licensed embalmer shall be permitted to register or have registered more than five apprentices under his or her license at the same time.

§30-6-19. Funeral establishment to be managed by a licensee in charge; license displayed.

(a) Every separate funeral establishment in this state offering the services set forth in this article shall be operated under the supervision and management of a licensee in charge who is licensed as a funeral director in this state who shall hold an active:

(1) Funeral Service licensee's license in the State of West Virginia;

(2) Embalmers license in the State of West Virginia;

(3) Crematory Operator certificate in the State of West Virginia; and

(4) Pre-Need license in the State of West Virginia.

(b) Each separate funeral establishment in this state offering the services set forth in this article shall have its own license, which license shall be prominently displayed within the funeral establishment.

(c) All funeral establishments shall display in all advertising the name of the licensee in charge of the establishment.

(d) All funeral establishments shall prominently display within the funeral establishment the license of the licensee in charge.

(e) A licensee in charge shall supervise each separate establishment.

(f) Effective July 1, 2022, the board shall allow up to two years to complete the requirements under this section for the licensee in charge.

§30-6-20. Crematory license requirements.

(a) Every crematory shall be licensed in West Virginia. The board shall issue a crematory license to an applicant who meets the following requirements:

(1) The place of business has been approved by the board as having met all the requirements and qualifications to be a crematory as are required by this article;

(2) The crematory conforms with all local building codes;

(3) The crematory meets all applicable environmental standards;

(4) Notify the board, in writing, at least 30 days before the proposed opening date so there can be an inspection of the crematory;

(5) Show proof that the crematory passed the inspection;

(6) Have a certified crematory operator in charge;

(7) Pay all the appropriate fees; and

(8) Complete such other requirements as specified by the board.

(b) All crematory licenses must be renewed biennially, by a staggered schedule, upon or before July 1, and pay a renewal fee.

(c) Each crematory license shall be valid for only one crematory to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional crematories by the same applicant.

(d) A holder of a crematory license that fails to pay fees for either the principal crematory or additional crematories by July 1, of the renewal year is subject to a penalty, a reinstatement fee for each crematory, and the required renewal fee.

(e) The holder of a crematory license who ceases to operate the crematory at the location specified in the application shall, within 20 days thereafter, surrender the crematory license to the board and the license shall be canceled by the board. In the event of the death of an individual

who was the holder of a crematory license, it shall be the duty of the holder's personal representative to surrender the crematory license within 120 days of qualifying as the personal representative.

(f) A holder of a certificate to operate a crematory whose certificate to operate has been revoked or a holder of a crematory license whose license has been revoked shall not operate, either directly or indirectly, or hold any interest in any crematory or funeral establishment: *Provided*, That a holder of a crematory license whose license has been revoked is not prohibited from leasing any property owned by him or her for use as a crematory, so long as the property owner does not participate in the control or profit of the crematory except as lessor of the premises for a fixed rental not dependent upon earnings.

(g) Failure to comply with any of these provisions shall be grounds for revocation of a crematory license.

(h) All persons that operate crematories shall by January 1, 2003, register with the board. By July 1, 2003, all persons that operate crematories shall obtain a crematory license, pursuant to the provisions of this section.

(i) All crematory licenses must be renewed biennially upon or before July 1.

(j) After July 1, 2003, all licensed crematories must have a certified crematory operator in charge.

(k) If a certified crematory operator in charge ceases to be employed by a crematory, then the holder of the crematory license shall notify the board within 30 days of the cessation. Within 30 days after such notification, the holder of a crematory license shall execute a new application for a crematory license specifying the name of the new certified crematory operator in charge. A crematory is prohibited from operating more than 30 days without a certified crematory operator in charge.

§30-6-22b. Certification for alkaline hydrolysis of human remains.

(a) No person, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity shall hydrolyze human remains without first obtaining a certificate from the board.

(b) Except as otherwise provided by this article, a certificate for the hydrolysis of human remains shall have the same requirements and fees as for the licensing of crematories under this article. The alkaline hydrolysis of human remains shall be conducted in compliance with all requirements for cremation.

(c) The board shall have the same powers to regulate, enforce, discipline, and inspect alkaline hydrolysis certificate holders and the practice of alkaline hydrolysis that have been granted under this article for the regulation, enforcement, discipline, and inspection of crematories and the practice of cremation.

(d) Any solid remains or residue remaining after alkaline hydrolysis shall be treated and disposed of as cremated remains under this article. Disposal of liquid waste shall be subject to all applicable health and environmental laws and regulations.

(e) Human remains shall be hydrolyzed in an alkaline hydrolysis container and may not be required to be hydrolyzed in a casket.

(f) Unless specified otherwise by the manufacturer of the equipment used for alkaline hydrolysis, human remains may be hydrolyzed without first removing a pacemaker or defibrillator. Any other potentially hazardous implanted device or material shall be handled in accordance with applicable state laws and regulations.

(g) The board shall promulgate legislative rules necessary to define the education and requirements for the certification to perform alkaline hydrolysis.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 449**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4647) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4785, Relating to judicial vacancies.

On motion of Delegate Kessinger, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for H. B. 4785 – “A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to procedures for filling judicial vacancies; providing that a vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment if the unexpired term is for a period of not more than three years; clarifying that the amendment shall apply to judicial vacancies existing at the date of passage; clarifying timing of election to fill judicial vacancies before the close of candidate filing for the primary election; and clarifying timing of election to fill judicial vacancies after the close of the candidate filing for the primary election through 84 days before the general election.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 450**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Hamrick.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4785) passed.

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

On this question, the yeas and nays were taken (**Roll No. 451**), and there were—yeas 79, nays 19, absent and not voting 2, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Hamrick and Pack.

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. 4785) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4797, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds.

Resolutions Introduced

Delegates Howell, Hamrick, Crouse, Barnhart, Mallow, Tully, Forsht, Kessinger, G. Ward, Hott and Ferrell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 19 - “Urging Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines.”

Whereas, West Virginia has an abundance of natural resources produced within our state borders; and

Whereas, The dependence of the United States on Russian oil is disadvantageous from both a security and economic standpoint; and

Whereas, West Virginia stands ready to produce more natural gas and coal to ship to Europe, so that Europe can end its dependence on Russian imports; and

Whereas, West Virginia asks Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines, so that this can happen as quickly as possible; therefore, be it

Resolved by the House of Delegates:

That Congress and the President are urged to pass federal legislation to speed up the environmental permitting process on new wells and mines; and, be it

Further Resolved, That a copy of this resolution be sent to the European Union, the United States Congress, and the President of the United States.

Delegate Householder offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 100 - "Requesting the Joint Committee on Government and Finance study the tax rates on ready to drink beverages (RTD)."

Whereas, The tax on ready to drink beverages made with distilled spirits is approximately \$1.25 per gallon, far greater than the tax on other ready to drink beverages, such as those that are cider based, which are taxed at the approximate rate of \$0.226 per gallon; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the disparity of taxes on all ready to drink beverages, regardless of their base, and the feasibility of a more equitable taxation of these products; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Rohrbach offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 101 - "Urging Congress to pass 'Share the Savings' legislation."

Whereas, The retail price of prescription drugs remains a serious challenge for many West Virginians, who depend upon affordable medications to protect and improve their health and well-being; and

Whereas, West Virginia, in 2021, became the first state in the union to create a law – known as "Share the Savings" legislation – requiring pharmacy benefit managers and health insurers to pass negotiated discounts and rebates directly to patients at the pharmacy counter; and

Whereas, This law should result in West Virginia patients on commercial insurance saving significantly on the cost of their medications once the program begins in 2022; and

Whereas, National organizations have recognized the unique solution offered by the West Virginia Legislature to address prescription drug costs for state residents on commercial insurance; and

Whereas, State officials would like to see this same level of savings extended to West Virginia seniors but cannot as the federal Medicare program is within the purview of Congress, thus leaving West Virginia seniors unprotected from high drug prices; and

Whereas, The U.S. Senate has, to date, delayed regulatory and legislative actions – including a bill co-sponsored by West Virginia U.S. Senator Shelley Moore Capito – that would lower drug prices at the pharmacy counter; therefore, be it,

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature calls upon West Virginia's Congressional delegation to advocate swift and effective congressional action to extend the same level of consumer protections enacted in West Virginia's "Share the Savings" law to consumers enrolled in Medicare prescription drug plans.

Motions

Delegate Summers asked and obtained unanimous consent that, for the remainder of the session, members of Conference Committees be permitted to vote on any question or issue before the House which they have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wish to vote, before the daily Journal is published, and that any such vote will not change the outcome on any question.

Unfinished Business

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

Com. Sub. for S. C. R. 29, Nitro WW I Memorial Bridge,

S. C. R. 37, Harrison County Veterans Memorial Bridge,

Com. Sub. for S. C. R. 38, Cox Brothers' Veteran Memorial Bridge,

Com. Sub. for S. C. R. 45, US Army CPL John D. Doyle, Sr. Memorial Road,

H. C. R. 97, U.S. Army Air Corps Private Albert J. Sutphin Memorial Highway,

And,

H. C. R. 99, Lt. Col. Mitchell M. Mickel Memorial Bridge.

Third Reading

S. B. 135, Relating to acquisition and disposition of property by urban development authority; 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. 452**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Hornbuckle and McGeehan.

Absent and Not Voting: Hamrick, Kessinger and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 135) passed.

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

S. B. 440, Establishing Uniform Commercial Real Estate Receivership 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. 453**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Jennings and Miller.

Absent and Not Voting: Hamrick and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 440) passed.

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

Com. Sub. for S. B. 470, Relating generally to health care decisions; 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. 454**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Doyle, Hansen, Mazzocchi, Pushkin, Rowe and Walker.

Absent and Not Voting: Ferrell, Fleischauer, Hamrick and Householder.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 470) passed.

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

Com. Sub. for S. B. 508, Requiring certain attire for deer hunters with muzzleloaders; 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. 455**), and there were—yeas 82, nays 15, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barrett, Diserio, Evans, Fluharty, Hardy, Horst, J. Jeffries, Kimes, Miller, Paynter, Pritt, Steele, Thompson, Worrell and Young.

Absent and Not Voting: Ferrell, Fleischauer and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 508) passed.

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

Com. Sub. for S. B. 535, Providing for revocation of school personnel certification or licensure in certain circumstances; 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. 456**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 535) passed.

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

S. B. 591, Relating to process for filling vacancies in state Legislature; 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. 457**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Bridges, Clark, Dean, Fleischauer, Hamrick, Jennings and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 591) passed.

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

Com. Sub. for S. B. 595, Relating to Dangerousness Assessment Advisory Board; 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. 458**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fluharty.

Absent and Not Voting: Bridges, Conley, Fleischauer, Hamrick and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 595) passed.

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

On this question, the yeas and nays were taken (**Roll No. 459**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Conley, Fleischauer, Hamrick, 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 (Com. Sub. for S. B. 595) 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. 616, Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses; 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. 460**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fleischauer, Hamrick, Pinson, Steele and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 616) passed.

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

Com. Sub. for S. B. 694, Relating to oil and gas conservation; on third reading, coming up in regular order, was read a third time.

Speaker Pro Tempore Howell in the Chair

Delegates Fast and G. Ward requested to be excused from voting under the provisions of House Rule 49.

The Speaker Pro Tempore ruled that the Delegates belong to a class possibly to be affected and refused to excuse the Members from voting on the bill.

Mr. Speaker, Delegate Hanshaw in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 461**), and there were, including pairs—yeas 55, nays 44, absent and not voting 1, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Westfall Nay: Gearheart

Yea: Smith Nay: Rowe

Nays: Barach, Boggs, Booth, Bridges, Brown, Crouse, Dean, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Griffith, Hansen, Hardy, Holstein, Hornbuckle, Howell, J. Jeffries, Jennings, Kimble, Longanacre, Lovejoy, McGeehan, Nestor, Paynter, Pethtel, Phillips, Pritt, Pushkin, Skaff, Storch, Summers, Sypolt, Thompson, Toney, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 694) passed.

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

Com. Sub. for S. B. 694 – “A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; expanding the membership of the Oil and Gas Conservation Commission; expanding the jurisdiction of the Oil and Gas Conservation Commission; expanding duties of the commission to include unitization of shallow and deep horizontal wells; amending and providing further declarations of public policy and legislative findings; defining terms; providing for conditions of applicability of the statute; establishing a horizontal well unit application process; requiring certain conditions be met prior to filing and approval of an application including defining percentages of interests of landowners and operators to establish unit control; requiring good faith negotiations by operators; providing for hearings on applications; setting out factors to be considered in the hearing and documents to be filed before a hearing; providing for notice and publication at various stages of the process; defining interested parties and their involvement in the hearing processes; providing for standards of review and factors to be considered by the commission; providing for maximum unit sizes with limited exceptions; providing for an independent third party review of certain information and reporting of the same to the commission; providing for confidentiality of certain information; setting forth time frames and time limits; providing for a horizontal well unit orders and required contents of the orders; defining order terms; providing limitations on surface usage above non-consenting mineral owners; providing for payment terms for leased mineral interest owners without unitization clauses; providing for payment term options for non-leased mineral interest owners; providing payment term options for nonconsenting operators; allowing for modifications of the horizontal well unit order under specified conditions; providing for compensation for unknown and unlocatable mineral interest owners and defining the same; establishing a process using the courts for surface owners to acquire the mineral interests and funds held by the operator of unknown or unlocatable interest owners after a specified time period,

notices, and court proceedings; providing applicability of the existing and new statutory sections for deep wells based on the effective date; providing a severability clause; and establishing and modifying rulemaking authority.”

Delegate Fluharty moved to amend the title of the bill to read as follows

Com. Sub. for S. B. 694 – “A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to forced pooling of oil and gas interests; expanding the membership of the Oil and Gas Conservation Commission; expanding the jurisdiction of the Oil and Gas Conservation Commission; expanding duties of the commission to include unitization of shallow and deep horizontal wells; amending and providing further declarations of public policy and legislative findings; defining terms; providing for conditions of applicability of the statute; establishing a horizontal well unit application process; requiring certain conditions be met prior to filing and approval of an application including defining percentages of interests of landowners and operators to establish unit control; requiring good faith negotiations by operators; providing for hearings on applications; setting out factors to be considered in the hearing and documents to be filed before a hearing; providing for notice and publication at various stages of the process; defining interested parties and their involvement in the hearing processes; providing for standards of review and factors to be considered by the commission; providing for maximum unit sizes with limited exceptions; providing for an independent third party review of certain information and reporting of the same to the commission; providing for confidentiality of certain information; setting forth time frames and time limits; providing for a horizontal well unit orders and required contents of the orders; defining order terms; providing limitations on surface usage above non-consenting mineral owners; providing for payment terms for leased mineral interest owners without unitization clauses; providing for payment term options for non-leased mineral interest owners; providing payment term options for nonconsenting operators; allowing for modifications of the horizontal well unit order under specified conditions; providing for compensation for unknown and unlocatable mineral interest owners and defining the same; establishing a process using the courts for surface owners to acquire the mineral interests and funds held by the operator of unknown or unlocatable interest owners after a specified time period, notices, and court proceedings; providing applicability of the existing and new statutory sections for deep wells based on the effective date; providing a severability clause; and establishing and modifying rulemaking authority.”

On the question of adoption of the title amendment offered by Delegate Fluharty, the same was put and did not prevail.

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

Second Reading

S. B. 1, Creating Mining Mutual Insurance Company; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for S. B. 5, Creating WV Unmanned Aircraft Systems Advisory Council; on second reading, coming up in regular order, was read a second time

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2K. PROMOTING PUBLIC-USE VERTIPOINTS ACT.

§5B-2K-1. Policy.

It is the policy of this State to promote the development of a network of vertiports that will provide equitable access to citizens of this State who may benefit from advanced air mobility operations for cargo and passenger service, and to avoid any vertiport monopolization or discrimination, by: (i) funding the planning for and construction of public-use vertiports, as the State may appropriate; (ii) encouraging local zoning and other land use authorities to ensure an adequate number and a varied location of vertiports to serve citizens throughout the State; and (iii) promoting competition and equity of access by prohibiting the grant of an exclusive right to one or more vertiport owners and operators or to vertiport operators at an one or more vertiports.

§5B-2K-2. Applicability.

This Act applies to any vertiport that is available for public use by any advanced air mobility operator authorized by the United States Department of Transportation or Federal Aviation Administration to engage in passenger and/or cargo services in scheduled or non-scheduled service in or affecting interstate commerce.

§5B-2K-3. Vertiport Safety.

(a) Vertiport Design – Each vertiport subject to this Act shall comply with any Federal Aviation Administration published rule or Advisory Circular containing standards for vertiport design and performance characteristics.

(b) Vertiport Layout Plan – Each vertiport subject to this Act shall submit a vertiport layout plan to the Administrator of the Federal Aviation Administration in the form and manner determined by the Administrator, and no operations may be conducted at the vertiport until such layout plan is approved.

§5B-2K-4. Exclusionary and Discriminatory Zoning Prohibited.

A political subdivision of this State shall not exercise its zoning and land use authority to grant or permit an exclusive right to one or more vertiport owners or operators and shall use such authority to promote reasonable access to advanced air mobility operators at public-use vertiports within the jurisdiction of the subdivision.

§5B-2K-5. Harmonization.

The provisions of this Act are intended to supplement any provision of Federal law pertaining to the design, construction, operations, or maintenance of a vertiport designed or constructed with a grant under Chapter 471 of title 49, United States Code, and any provision of law found in conflict with or otherwise preempted by Federal law shall be null and void, without invalidating any other provision of this Act.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 16. USE OF UNMANNED AIRCRAFT SYSTEMS.

§61-16-3. Counties, municipalities, cities and towns prohibited from enacting restrictions upon advanced air mobility aircraft.

(a) Except as authorized by law, a county, city, village, or township shall not enact or adopt an ordinance, policy, or rule that relates to the ownership or operation of an advanced air mobility aircraft or advanced air mobility system and shall not otherwise engage in the regulation or ownership of an advanced air mobility aircraft or advanced air mobility system. Any ordinance, policy, or rule that violates this subsection, whether enacted or adopted by the county, municipality, city or town before or after the effective date of this section, is void.

(b) As used in this section:

(1) "advanced air mobility aircraft" is an aircraft used by an advanced air mobility system.

(2) "advanced air mobility system" means a system that transports people and property by air between points in the United States using aircraft, including electric aircraft and electric vertical takeoff and landing aircraft, in both controlled and uncontrolled airspace.

The bill was then ordered to third reading.

Com. Sub. for S. B. 6, Establishing common law "veil piercing" claims not be used to impose personal liability; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 1, section 303(a), line 5, by inserting the following language after "manager": "nor for fines, fees or penalties individually assessed against another member or manager for acts unrelated to the business of the limited liability company";

And,

On page 2, section 303(c), Lines 26-27, by striking subparagraph (c)(5) in its entirety.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 2, section 303(d), line 33, by striking "\$50,000 per person and \$100,000 per occurrence" and inserting in place thereof "\$100,000 liability insurance".

The bill was then ordered to third reading.

Com. Sub. for S. B. 25, Updating provisions of Medical Professional Liability Act; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

S. B. 172, Increasing compensation of elected county officials; on second reading, coming up in regular order, was read a second time and ordered to third reading.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section four, line sixty-six, by striking out "2021" and inserting in lieu thereof "2022";

And,

On page five, section four, line one hundred ten, by striking out "2021" and inserting in lieu thereof "2022".

Com. Sub. for S. B. 231, Relating generally to broadband connectivity; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

Com. Sub. for S. B. 245, Revising wage payment and collection; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

S. B. 253, Relating to voting precincts and redistricting; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.

(a) The precinct is the basic territorial election unit. The county commission shall divide each magisterial district of the county into election precincts, shall number the precincts, shall determine, and establish the boundaries thereof and shall designate one voting place in each precinct, which place shall be established as nearly as possible at the point most convenient for the voters of the precinct. Each magisterial district shall contain at least one voting precinct and each precinct shall have but one voting place therein.

Each precinct within any urban center shall contain not less than 300, nor more than 1,500 registered voters. Each precinct in a rural or less thickly settled area shall contain not less than

200, nor more than 700 registered voters. A county commission may permit the establishment or retention of a precinct less than the minimum numbers allowed in this subsection upon making a written finding that to do otherwise would cause undue hardship to the voters. If, at any time the number of registered voters exceeds the maximum number specified, the county commission shall rearrange the precincts within the political division so that the new precincts each contain a number of registered voters within the designated limits: *Provided*, That any precincts with polling places that are within a one-mile radius of each other on or after July 1, 2014, may be consolidated, at the discretion of the county clerk and county commission into one or more new precincts that contain not more than 3,000 registered voters in any urban center, nor more than 1,500 registered voters in a rural or less thickly settled area: *Provided, however*, That no precincts may be consolidated pursuant to this section if the consolidation would create a geographical barrier or path of travel between voters in a precinct and their proposed new polling place that would create an undue hardship to voters of any current precinct.

If a county commission fails to rearrange the precincts as required, any qualified voter of the county may apply for a writ of mandamus to compel the performance of this duty: *Provided*, That when in the discretion of the county commission, there is only one place convenient to vote within the precinct and when there are more than 700 registered voters within the existing precinct, the county commission may designate two or more precincts with the same geographic boundaries and which have voting places located within the same building. The county commission shall designate alphabetically the voters who are eligible to vote in each precinct so created. Each precinct shall be operated separately and independently with separate voting booths, ballot boxes, election commissioners and clerks, and whenever possible, in separate rooms. No two precincts may use the same standard receiving board, except as permitted by the provisions of §3-1-30(j) of this code.

(b) In order to facilitate the conduct of local and special elections and the use of election registration records therein, precinct boundaries shall be established to coincide with the boundaries of any municipality of the county and with the wards or other geographical districts of the municipality, except in instances where found by the county commission to be wholly impracticable so to do. Governing bodies of all municipalities shall provide accurate and current maps of their boundaries to the clerk of any county commission of a county in which any portion of the municipality is located.

(c) To facilitate the federal and state redistricting process, precinct boundaries shall be comprised of intersecting geographic physical features or municipal boundaries recognized by the U. S. Census Bureau. For purposes of this subsection, geographic physical features include streets, roads, streams, creeks, rivers, railroad tracks, and mountain ridge lines. The county commission of every county shall modify precinct boundaries to follow geographic physical features or municipal boundaries recognized by the U.S. Census Bureau and submit changes to the ~~Joint Committee on Government and Finance by June 30, 2007, and by June 30, every ten calendar years thereafter~~ Secretary of State, the President of the Senate, and the Speaker of the House of Delegates in accordance with this section. The county commission shall also submit precinct boundary details to the U.S. Census Bureau upon request.

(d) To facilitate the state's receipt of decennial census data from the U.S. Census Bureau which will include tabulation geography that supports the needs of the Legislature during the federal congressional and state legislative redistricting process, and the needs of county commissions during the magisterial district and precinct redistricting process:

(1) The President of the Senate and the Speaker of the House of Delegates, or designee or designees shall serve as the state's liaison, hereafter referred to as Legislative Liaisons, to the U.S. Census Bureau for purposes of Block Boundary Suggestion Project (Phase I), Voting District Project (Phase II), and Collection of Census Redistricting Plans (Phase IV), or their equivalents, of the U.S. Census Bureau's Redistricting Data Program for the federal decennial census. The Legislature may request the Secretary of State to designate and utilize staff within his or her office to perform the technical responsibilities of this role.

(2) Each county commission shall submit on an ongoing basis to the Legislative liaisons and Secretary of State, its updated precincts and such other information as is sufficient to participate in the Block Boundary Suggestion Project (Phase I) and Voting District Project (Phase II), or their equivalents, of the Redistricting Data Program, including any verification phases. The Legislative liaisons and Secretary of State shall coordinate with all counties for the submission and verification of such information. The Legislative liaisons and Secretary of State, when so requested by the Legislature, shall compile the information submitted by the counties and shall submit and verify such information to the U.S. Census Bureau in compliance with the deadlines established by the U.S. Census Bureau for the Redistricting Data Program. Copies of such submission shall be provided to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Delegates, and the Minority Leader of the House of Delegates.

(3) Upon the conclusion of any federal congressional or state legislative redistricting process, the Legislature shall provide updated maps and accompanying technical files to the Secretary of State. The Legislature shall submit such maps and accompanying technical files to the U.S. Census Bureau during its Collection of Census Redistricting Plans (Phase IV) of the Redistricting Data Program. The Secretary of State shall keep available at all times on its website, and during business hours in its office at the Capitol at a place convenient for public inspection, all current maps and accompanying technical files submitted by the Legislature. The Secretary of State shall maintain previous maps and technical files submitted by the Legislature in its records.

(d) ~~(e)~~ The Each county commission shall keep available at all times during business hours in the courthouse at a place convenient for public inspection a map or maps of the county and municipalities with the current boundaries of all precincts and magisterial districts. Each county commission shall submit current maps and accompanying technical files to the Legislature and Secretary of State upon updating its precincts and magisterial districts. The Secretary of State shall keep available at all times on its website, and during business hours in its office at the Capitol at a place convenient for public inspection, all current maps and accompanying technical files submitted by the counties. The Secretary of State shall maintain previous maps and accompanying technical files submitted by the counties in its records. The Secretary of State shall notify the Legislature of any submissions it receives from a county commission and shall provide copies of the same to the Legislature.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 261, Requiring video cameras in certain special education classrooms; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page five, section eleven, line one hundred five, following the words “the agency”, by striking out the word “getting” and inserting the word “receiving”;

And,

On page five, section eleven, line one hundred six, following the words "video recording", by striking out the word "will" and inserting the word "shall".

The bill was then ordered to third reading.

Com. Sub. for S. B. 443, Including police and firefighter as electors of trustees for certain pension funds; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 476, Relating to imposition of minimum severance tax on coal; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 478, Relating to Neighborhood Investment Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 486, Allowing PERS retirees to designate special needs trust as beneficiary; on second reading, coming up in regular order, was at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for S. B. 487, Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-20. Reduction of appropriations; powers of Governor; Revenue Shortfall Reserve Fund and permissible expenditures therefrom.

(a) Notwithstanding any provision of this section, the Governor may reduce appropriations according to any of the methods set forth in sections twenty-one and twenty-two of this article. The Governor may, in lieu of imposing a reduction in appropriations, request an appropriation by the Legislature from the Revenue Shortfall Reserve Fund established in this section.

(b) The Revenue Shortfall Reserve Fund is continued within the State Treasury. The Revenue Shortfall Reserve Fund shall be funded continuously and on a revolving basis in accordance with this subsection up to an aggregate amount not to exceed thirteen percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended. The Revenue Shortfall Reserve Fund shall be funded as set forth in this subsection from surplus revenues, if any, in the State Fund, General Revenue, as the surplus revenues may accrue from time to time.

Within sixty days of the end of each fiscal year, the secretary shall cause to be deposited into the Revenue Shortfall Reserve Fund such amount of the first fifty percent of all surplus revenues, if any, determined to have accrued during the fiscal year just ended, as may be necessary to bring the balance of the Revenue Shortfall Reserve Fund to ~~thirteen~~ eight percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended. If at the end of any fiscal year the Revenue Shortfall Reserve Fund is funded at an amount equal to or exceeding ~~thirteen~~ eight percent of the state's General Revenue Fund budget for the fiscal year just ended, then there shall be no further deposit by the secretary under the provisions of this

section of any surplus revenues as set forth in this subsection until that time the Revenue Shortfall Reserve Fund balance is less than ~~thirteen~~ eight percent of the total appropriations from the State Fund, General Revenue. On or before January 1, 2023, and each year thereafter, the secretary shall recommend in writing to the Governor and the Joint Committee on Government and Finance whether the percentage of the state's General Revenue Fund budget set forth in this paragraph should be adjusted by subsequent enactment of the Legislature and the reasons therefor.

(c) Not earlier than November 1 of each calendar year, if the state's fiscal circumstances are such as to otherwise trigger the authority of the Governor to reduce appropriations under this section or section twenty-one or twenty-two of this article, then in that event the Governor may notify the presiding officers of both houses of the Legislature in writing of his or her intention to convene the Legislature pursuant to section nineteen, article VI of the Constitution of West Virginia for the purpose of requesting the introduction of a supplementary appropriation bill or to request a supplementary appropriation bill at the next preceding regular session of the Legislature to draw money from the surplus Revenue Shortfall Reserve Fund to meet any anticipated revenue shortfall. If the Legislature fails to enact a supplementary appropriation from the Revenue Shortfall Reserve Fund during any special legislative session called for the purposes set forth in this section or during the next preceding regular session of the Legislature, then the Governor may proceed with a reduction of appropriations pursuant to sections twenty-one and twenty-two of this article. Should any amount drawn from the Revenue Shortfall Reserve Fund pursuant to an appropriation made by the Legislature prove insufficient to address any anticipated shortfall, then the Governor may also proceed with a reduction of appropriations pursuant to sections twenty-one and twenty-two of this article.

(d) Upon the creation of the fund, the Legislature is authorized and may make an appropriation from the Revenue Shortfall Reserve Fund for revenue shortfalls, for emergency revenue needs caused by acts of God or natural disasters or for other fiscal needs as determined solely by the Legislature.

(e) Prior to October 31 in any fiscal year in which revenues are inadequate to make timely payments of the state's obligations, the Governor may, by executive order, after first notifying the presiding officers of both houses of the Legislature in writing, borrow funds from the Revenue Shortfall Reserve Fund: *Provided*, That for the fiscal year 2014, pursuant to this subsection and subject to all other conditions, requirements and limitations set forth in this section, the Governor may borrow funds from the Revenue Shortfall Reserve Fund prior to the first day of April. The amount of funds borrowed under this subsection shall not exceed one and one-half percent of the general revenue estimate for the fiscal year in which the funds are to be borrowed, or the amount the Governor determines is necessary to make timely payment of the state's obligations, whichever is less. Any funds borrowed pursuant to this subsection shall be repaid, without interest, and redeposited to the credit of the Revenue Shortfall Reserve Fund within ninety days of their withdrawal.

(f) The Revenue Shortfall Reserve Fund – Part B is continued within the State Treasury. The Revenue Shortfall Reserve Fund – Part B shall consist of moneys transferred from the West Virginia Tobacco Settlement Medical Trust Fund pursuant to the provisions of section two, article eleven-a, chapter four of this code, repayments made of the loan from the West Virginia Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company pursuant to the provisions of article twenty-f, chapter thirty-three of this code and all interest and other return earned on the moneys in the Revenue Shortfall Reserve Fund – Part B. Moneys in the Revenue Shortfall Reserve Fund – Part B may be expended solely for the purposes set forth in subsection (d) of this section, subject to the following conditions:

(1) No moneys in the Revenue Shortfall Reserve Fund – Part B nor any interest or other return earned thereon may be expended for any purpose unless all moneys in the Revenue Shortfall Reserve Fund described in subsection (b) of this section have first been expended, except that the interest or other return earned on moneys in the Revenue Shortfall Reserve Fund – Part B may be expended as provided in subdivision (2) of this subsection;

(2) Notwithstanding any other provision of this section to the contrary, the Legislature may appropriate any interest and other return earned thereon that may accrue on the moneys in the Revenue Shortfall Reserve Fund – Part B after June 30, 2025, for expenditure for the purposes set forth in section three, article eleven-a, chapter four of this code; and

(3) Any appropriation made from Revenue Shortfall Reserve Fund – Part B shall be made only in instances of revenue shortfalls or fiscal emergencies of an extraordinary nature.

(g) Subject to the conditions upon expenditures from the Revenue Shortfall Reserve Fund – Part B prescribed in subsection (f) of this section, in appropriating moneys pursuant to the provisions of this section, the Legislature may in any fiscal year appropriate from the Revenue Shortfall Reserve Fund and the Revenue Shortfall Reserve Fund – Part B a total amount up to, but not exceeding, ten percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended.

(h) (1) Of the moneys in the Revenue Shortfall Reserve Fund, \$100 million, or such greater amount as may be certified as necessary by the Director of the Budget Office for the purposes of subsection (e) of this section, shall be made available to the West Virginia Board of Treasury Investments for management and investment of the moneys in accordance with the provisions of article six-c, chapter twelve of this code. All other moneys in the Revenue Shortfall Reserve Fund shall be made available to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of article six, chapter twelve of this code. Any balance of the Revenue Shortfall Reserve Fund, including accrued interest and other return earned thereon at the end of any fiscal year, does not revert to the General Fund but shall remain in the Revenue Shortfall Reserve Fund for the purposes set forth in this section.

(2) All of the moneys in the Revenue Shortfall Reserve Fund – Part B shall be made available to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of article six, chapter twelve of this code. Any balance of the Revenue Shortfall Reserve Fund – Part B, including accrued interest and other return earned thereon at the end of any fiscal year, shall not revert to the General Fund but shall remain in the Revenue Shortfall Reserve Fund – Part B for the purposes set forth in this section.”

The bill was then ordered to third reading.

S. B. 492, Relating to electronic collection of tolls; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page 2, section 11, line 26, by striking the word “shall” and inserting in lieu thereof the word “may.”

The bill was then ordered to third reading.

S. B. 493, Requiring county BOE make meetings available to public in-person and through internet; on second reading, coming up in regular order, was read a second time.

There being two strike and insert amendments, unanimous consent was obtained to consider those amendments first and then allow consideration of amendments to the amendment.

The first strike and insert amendment, recommended by the Committee on the Judiciary, being as follows:

On page 1, immediately following the enacting clause by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

(a) The county board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. Subject to adequate public notice, nothing in this section prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting as authorized in this section and in compliance with the provisions of chapter 18A of this code, the county board may employ qualified teachers, or those who will qualify by the time they enter upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of chapter 18A of this code for purposes relating to the assignment, transfer, termination, and dismissal of teachers and other school employees.

(b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to open governmental proceedings, each county board shall ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website. Provided That, if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted, the meeting may continue while such technical interruptions are being resolved.

In addition to being available live, each county board also shall ensure that the audio and video is recorded and that the recording is also available through a link on its website. The link to the recording of each meeting shall remain on the county's board website for at least four years. This subsection does not apply to the holding of an executive session pursuant to §6-9A-4 of this code.

Each county board may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend, subject to the following:

(1) The county board shall adopt procedures related to delegations and speakers at meetings to ensure delegations and speakers are treated equally; and

(2) For any person expressing an interest in speaking at the meeting, the county board shall ensure that the person has the opportunity to speak in compliance with the adopted procedures.

(b) (c) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

(c) (d) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than 10 days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

(d) (e) A majority of the members of the county board is the quorum necessary for the transaction of official business.

(f) A description of each matter voted on by a county board along with how each member voted on the matter shall be published on the county board's website and remain published on the county board's website for at least four years.

(e) (g) Board members may receive compensation at a rate not to exceed \$160 per meeting attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board. Meetings of the council are not counted as board meetings for purposes of determining the limit on compensable board meetings.

(f) (h) Members also shall be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the county board.

(g) (i) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board may join the West Virginia School Board Association ~~and the National School Board Association~~ and may pay the dues prescribed by the ~~associations~~ association and approved by action of the respective county boards. Membership dues and actual traveling expenses incurred by board members for attending meetings of the West Virginia School Board Association may be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance may be made except upon sworn itemized statements.

And,

The second strike and insert amendment, offered by Delegate Ellington, being as follows:

On page 1, immediately following the enacting clause by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

(a) The county board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. Subject to adequate public notice, nothing in this section

prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting as authorized in this section and in compliance with the provisions of chapter 18A of this code, the county board may employ qualified teachers, or those who will qualify by the time they enter upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of chapter 18A of this code for purposes relating to the assignment, transfer, termination, and dismissal of teachers and other school employees.

(b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to open governmental proceedings, each county board shall ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website. Provided That, if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted, the meeting may continue while such technical interruptions are being resolved. This subsection does not apply to the holding of an executive session pursuant to §6-9A-4 of this code.

Each county board may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. If the county board provides opportunity for the public to address the school board at any meeting the county board shall ensure that any person expressing a desire to speak has the opportunity to speak in compliance with the adopted procedures. All members of the public wishing to address the school board on an issue pursuant to policies adopted by the board shall be treated equally.

~~(b)~~ (c) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

~~(c)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than 10 days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code.

~~(d)~~ (e) A majority of the members of the county board is the quorum necessary for the transaction of official business.

(f) Minutes of each public board meeting must include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days after the meeting. Minutes shall remain on the website for at least one year after the meeting.

~~(e)~~ (g) Board members may receive compensation at a rate not to exceed \$160 per meeting attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board. Meetings of the council are not counted as board meetings for purposes of determining the limit on compensable board meetings.

~~(f)~~ (h) Members also shall be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the county board.

~~(g)~~ (i) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board may join the West Virginia School Board Association and the National School Board Association and may pay the dues prescribed by the associations association and approved by action of the respective county boards. Membership dues and actual traveling expenses incurred by board members for attending meetings of the West Virginia School Board Association may be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance may be made except upon sworn itemized statements.

Whereupon,

Delegate Ellington obtained unanimous consent to reform his amendment as follows:

On page 1, immediately following the enacting clause by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

(a) The county board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. Subject to adequate public notice, nothing in this section prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting as authorized in this section and in compliance with the provisions of chapter 18A of this code, the county board may employ qualified teachers, or those who will qualify by the time they enter upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of chapter 18A of this code for purposes relating to the assignment, transfer, termination, and dismissal of teachers and other school employees.

(b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to open governmental proceedings, each county board shall ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website: *Provided*, That, if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted, the meeting may continue while such technical interruptions are being resolved. This subsection does not apply to the holding of an executive session pursuant to §6-9A-4 of this code.

Each county board may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. If the county board provides opportunity for the public to address the school board at any meeting the county board shall ensure that any person expressing a desire to speak has the opportunity to speak in compliance with the adopted procedures. All members of the public wishing to address the school board on an issue pursuant to policies adopted by the board shall be treated equally.

~~(b)~~ (c) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

~~(e)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than 10 days after the budget has been made available to the

public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

~~(d)~~ (e) A majority of the members of the county board is the quorum necessary for the transaction of official business.

(f) A draft of the minutes of each public board meeting must include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days after the meeting. After approval, minutes shall remain on the website for at least one year after the meeting.

~~(e)~~ (g) Board members may receive compensation at a rate not to exceed \$160 per meeting attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board. Meetings of the council are not counted as board meetings for purposes of determining the limit on compensable board meetings.

~~(f)~~ (h) Members also shall be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the county board.

~~(g)~~ (i) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board may join the West Virginia School Board Association ~~and the National School Board Association~~ and may pay the dues prescribed by the ~~associations~~ association and approved by action of the respective county boards. Membership dues and actual traveling expenses incurred by board members for attending meetings of the West Virginia School Board Association may be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance may be made except upon sworn itemized statements.”

On adoption of the strike and insert amendment recommended by the Committee on the Judiciary, the same was put and did not prevail.

The House then adopted the reformed strike and insert amendment offered by Delegate Ellington.

Whereupon,

Unanimous consent was obtained to withdraw amendments sponsored by Delegate Pushkin and by Delegates Martin and Westfall.

The bill was then ordered to third reading.

Com. Sub. for S. B. 518, Allowing nurses licensed in another state to practice in WV; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-1a. Eligibility for licensure by meeting requirements which existed prior to the legislative enactments during the 2012 legislative session.

[Repealed].

§30-7-3. Board of examiners for registered professional nurses.

~~The Governor shall appoint, by and with the advice and consent of the Senate, a board consisting of five members who shall constitute and be known as the West Virginia board of examiners for registered professional nurses.~~

~~Appointments hereunder shall be made by the Governor, by and with the advice and consent of the Senate, from lists submitted to the Governor by the West Virginia nurses' association. Such lists shall contain the names of at least three persons eligible for membership for each membership or vacancy to be filled and shall be submitted to the Governor on or before June 1 of each year and at such other time or times as a vacancy on the board shall exist. Appointments under the provisions of this article shall be for a term of five years each or for the unexpired term, if any, of the present members. Any member may be eligible for reappointment, but no member shall serve longer than two successive terms. Vacancies shall be filled in the same manner as is provided for appointment in the first instance. The Governor may remove any member for neglect of duty, for incompetence, or for unprofessional or dishonorable conduct.~~

~~Each member of the board hereafter appointed shall (a) be a citizen of the United States and a resident of this state, (b) be a graduate from an accredited educational program in this or any other state for the preparation of practitioners of registered professional nursing, or be a graduate from an accredited college or university with a major in the field of nursing, (c) be a graduate from an accredited college or university, (d) be a registered professional nurse licensed in this state or eligible for licensure as such, (e) have had at least five years of experience in teaching in an educational program for the preparation of practitioners of registered professional nursing, or in a combination of such teaching and either nursing service administration or nursing education administration, and (f) have been actually engaged in registered professional nursing for at least three within the past five years preceding his or her appointment or reappointment.~~

~~Each member of the board shall receive \$50 for each day actually spent in attending meetings of the board, or of its committees, and shall also be reimbursed for actual and necessary expenses: *Provided*, That the per diem increased by this amendment shall be effective upon passage of this article.~~

(a) The West Virginia Board of Examiners for Registered Professional Nurses is renamed the West Virginia Board of Registered Nurses effective July 1, 2022. The members of the West Virginia Board of Examiners for Registered Professional Nurses shall remain as members until the new appointments are made.

(b) By July 1, 2022, the Governor, by and with the advice and consent of the Senate, shall appoint a new board as follows:

- (1) One person licensed as an advanced practice registered professional nurse by the board;
- (2) One person who is certified as a dialysis technician by the board;
- (3) Four persons licensed as a registered professional nurse by the board and meet the following requirements:

 - (A) One registered professional nurse, who provides direct patient care in a long-term care facility, home health or hospice;
 - (B) Two registered professional nurses, who provide direct patient care in a hospital setting or acute care setting; and,
 - (C) One registered professional nurse, who teaches nursing; and,
- (4) One citizen member who is not licensed under the provisions of this chapter and who has never performed any services as a health care professional.
- (c) Organizations that represent nurses may submit to the Governor recommendations for the appointment of the licensed board members.
- (d) The appointment term is four years. A member may not serve more than two consecutive terms. A member may continue to serve until his or her successor has been appointed and qualified.
- (e) Each member of the board shall be a resident of this state during the appointment term.
- (f) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant.
- (g) The Governor may remove any member from the board for neglect of duty, incompetency, or official misconduct.
- (h) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license to practice is disciplined in any jurisdiction.
- (i) A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.
- (j) The board shall elect one of its members as president and one member as secretary who shall serve at the will and pleasure of the board.
- (k) A member of the board is entitled to receive compensation and expense reimbursement in accordance with §30-1-1 *et seq.* of this code.
- (l) A simple majority of the membership serving on the board at a given time is a quorum for the transaction of business.
- (m) The board shall hold at least two meetings annually. Other meetings shall be held at the call of the president or upon the written request of four members, at the time and place as designated in the call or request.

(n) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

(o) A board member, when acting in good faith and without malice, shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

§30-7-4. Organization and meetings of board; quorum; powers and duties generally; executive secretary; funds.

~~The board shall meet at least once each year and shall elect from its members a president and a secretary. The secretary shall also act as treasurer of the board. The board may hold such other meetings during the year as it may deem necessary to transact its business. A majority, including one officer, of the board shall constitute a quorum at any meeting. The board is hereby authorized and empowered to:~~

~~(a) Adopt and, from time to time, amend such rules and regulations, not inconsistent with this article, as may be necessary to enable it to carry into effect the provisions of this article;~~

~~(b) Prescribe standards for educational programs preparing persons for licensure to practice registered professional nursing under this article;~~

~~(c) Provide for surveys of such educational programs at such time as it may deem necessary;~~

~~(d) Accredite such educational programs for the preparation of practitioners of registered professional nursing as shall meet the requirements of this article and of the board;~~

~~(e) Deny or withdraw accreditation of educational programs for failure to meet or maintain prescribed standards required by this article and by the board;~~

~~(f) Examine, license and renew the licenses of duly qualified applicants;~~

~~(g) Conduct hearings upon charges calling for discipline of a licensee or revocation or suspension of a license;~~

~~(h) Keep a record of all proceedings of the board;~~

~~(i) Make a biennial report to the Governor and the Legislative Oversight Commission for Health and Human Resources Accountability;~~

~~(j) Appoint and employ a qualified person, who shall not be a member of the board, to serve as executive secretary to the board;~~

~~(k) Define the duties and fix the compensation for the executive secretary; and~~

~~(l) Employ such other persons as may be necessary to carry on the work of the board.~~

(a) The board has all the powers and duties set forth in this article, in §30-1-1 *et seq.* of this code and elsewhere in law, including the ability to:

(1) Hold meetings;

(2) Establish procedures for submitting, approving, and rejecting applications for a license and permit;

(3) Determine the qualifications of an applicant for a license and permit;

(4) Establish the fees charged under the provisions of this article;

(5) Issue, renew, restrict, deny, suspend, revoke, or reinstate a license and permit;

(6) Prepare, conduct, administer, and grade written, oral, or written and oral examinations for a license;

(7) Contract with third parties to administer the examinations required under the provisions of this article;

(8) Maintain records of the examinations the board, or a third party, administers, including the number of persons taking the examination and the pass and fail rate;

(9) Maintain an office and hire, discharge, establish the job requirements, and fix the compensation of employees, and contract with persons necessary to enforce the provisions of this article;

(10) Employ investigators, attorneys, hearing examiners, consultants, and other employees as may be necessary who are exempt from the classified service and who serve at the will and pleasure of the board;

(11) Delegate hiring of employees to the executive director;

(12) Investigate alleged violations of the provisions of this article and legislative rules, orders, and final decisions of the board;

(13) Conduct disciplinary hearings of persons regulated by the board;

(14) Determine disciplinary action and issue orders;

(15) Institute appropriate legal action for the enforcement of the provisions of this article;

(16) Maintain an accurate registry of names and addresses of all persons regulated by the board;

(17) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(18) Public meeting minutes to its website within 14 days of a meeting;

(19) Propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article;

(20) Sue and be sued in its official name as an agency of this state;

(21) Approve a nursing school;

(22) Establish a nurse health program;

(23) Implement the provisions of the enhanced nurse licensure compact in accordance with §30-7B-1 et seq. of this code;

(24) Coordinate with and assist the Center for Nursing in accordance with §30-7B-1 et seq. of this code; and

(25) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

(b) All fees and other moneys collected by the board pursuant to the provisions of this article shall be kept in a separate fund and expended solely for the purpose of this article. No part of this special fund shall revert to the General Funds of this state. The compensation provided by this article and all expenses incurred under this article shall be paid from this special fund. No compensation or expense incurred under this article shall be a charge against the General Funds of this state.

§30-7-6. License to practice registered professional nursing.

~~(a) To obtain a license to practice registered professional nursing, an applicant for such license shall submit to the board written evidence, verified by oath, that he or she: (1) Is of good moral character; (2) has completed an approved four-year high school course of study or the equivalent thereof, as determined by the appropriate educational agency; and (3) has completed an accredited program of registered professional nursing education and holds a diploma of a school accredited by the board.~~

~~(b) The applicant shall also be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral examination. Upon successfully passing such examination or examinations, the board shall issue to the applicant a license to practice registered professional nursing. The board shall determine the times and places for examinations. In the event an applicant shall have failed to pass examinations on two occasions, the applicant shall, in addition to the other requirements of this section, present to the board such other evidence of his or her qualifications as the board may prescribe.~~

~~(c) The board may, upon application, issue a license to practice registered professional nursing by endorsement to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country if in the opinion of the board the applicant meets the qualifications required of registered professional nurses at the time of graduation.~~

~~(d) The board may, upon application and proper identification determined by the board, issue a temporary permit to practice registered professional nursing by endorsement to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country. Such temporary permit authorizes the holder to practice registered professional nursing in this state while the temporary permit is effective. A temporary permit shall be effective for ninety days, unless the board revokes such permit prior to its expiration, and such permit may not be renewed. Any person applying for a temporary license under the provisions of this paragraph shall, with his or her application, pay to the board a nonrefundable fee of \$10.~~

~~(e) Any person holding a valid license designated as a "waiver license" may submit an application to the board for a license containing no reference to the fact that such person has theretofore been issued such "waiver license." The provisions of this section relating to examination and fees and the provisions of all other sections of this article shall apply to any application submitted to the board pursuant to the provisions of this paragraph.~~

~~(f) Any person applying for a license to practice registered professional nursing under the provisions of this article shall, with his or her application, pay to the board a fee of \$40: *Provided*, That the fee to be paid for the year commencing July 1, 1982, shall be \$70: *Provided, however*, That the board in its discretion may, by rule or regulation, decrease either or both said license fees. In the event it shall be necessary for the board to reexamine any applicant for a license, an additional fee shall be paid to the board by the applicant for reexamination: *Provided further*, That the total of such additional fees shall in no case exceed \$100 for any one examination.~~

~~(g) Any person holding a license heretofore issued by the West Virginia state Board of Examiners for Registered Nurses and which license is valid on the date this article becomes effective shall be deemed to be duly licensed under the provisions of this article for the remainder of the period of any such license heretofore issued. Any such license heretofore issued shall also, for all purposes, be deemed to be a license issued under this article and to be subject to the provisions hereof.~~

~~(h) The board shall, upon receipt of a duly executed application for licensure and of the accompanying fee of \$70, issue a temporary permit to practice registered professional nursing to any applicant who has received a diploma from a school of nursing approved by the board pursuant to this article after the date the board last scheduled a written examination for persons eligible for licensure: *Provided*, That no such temporary permit shall be renewable nor shall any such permit be valid for any purpose subsequent to the date the board has announced the results of the first written examination given by the board following the issuance of such permit.~~

~~(i) To obtain a license to practice as an advanced practice registered nurse, an applicant must submit a written application, verified by oath, to the board together with an application fee established by the board through an authorized legislative rule. The requirements for a license to practice as an advanced practice registered nurse in this state are listed below and must be demonstrated to the board through satisfactory evidence submitted with the application for a license:~~

~~(1) The applicant must be licensed in good standing with the board as a registered professional nurse;~~

~~(2) The applicant must have satisfactorily completed a graduate-level program accredited by a national accreditation body that is acceptable to the board; and~~

~~(3) The applicant must be currently certified by a national certification organization, approved by the board, in one or more of the following nationally recognized advance practice registered nursing roles: certified registered nurse anesthetist, certified nurse midwife, clinical nurse specialist or certified nurse practitioner.~~

~~(a) The board may issue a license to practice registered nursing to an applicant who meets the following requirements:~~

~~(1) Is at least 18 years of age;~~

(2) Has completed an approved four-year high school course of study or the equivalent thereof, as determined by the appropriate educational agency;

(3) Has completed a nursing education program;

(4) Has passed an examination approved by the board;

(5) Has paid the application fee specified by rule;

(6) Has completed a criminal background check, as required by §30-1D-1 et seq. of this code; and,

(7) Is not an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code, unless an applicant in an active recovery process, which may be evidenced by participation in a Nurse Health Program, structured aftercare, or a twelve-step program or other similar group or process, may be considered.

(b) A license to practice registered professional nursing 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.

§30-7-7. License to practice advanced practice registered nursing.

~~(a) The board may, upon application, issue a license to practice registered professional nursing by endorsement to any person who is not a citizen of the United States of America if such person: (1) Has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country; and (2) shall, in any such state, territory or foreign country, have passed a written examination in the English language which, in the opinion of the board, is comparable in content and scope to the type of written examination that is required in subsection~~

~~(b) of section six of this article.~~

~~(b) All other provisions of this article shall be applicable to any application for or license issued pursuant to this section.~~

(a) The board may issue an advanced practice registered nurse license to an applicant who meets the following requirements:

(1) Is at least 18 years of age;

(2) Is currently certified by a national certification organization, approved by the board, in one or more of the following nationally recognized advance practice registered nursing roles: certified registered nurse anesthetist, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner;

(3) Has paid the application fee specified by legislative rule; and

(4) Is not an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code, unless an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a Nurse Health Program, structured aftercare, or a twelve-step program or other similar group or process, may be considered.

(b) An advanced practice registered nurse 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 an advanced practice registered nurse license issued under this section: *Provided*, That a person holding an advanced practice registered nurse license shall renew the license.

(c) An applicant, who is licensed in another jurisdiction as an advanced practice registered nurse, is eligible to apply for licensure.

(d) By virtue of being a licensed advanced practice registered nurse that person is also licensed as a registered professional nurse. The board may not charge an additional fee for registered professional nurse license

§30-7-8. License renewal.

~~The license of every person licensed and registered under the provisions of this article shall be annually renewed except as hereinafter provided. At such time or times as the board in its discretion may determine, the board shall mail a renewal application to every person whose license was renewed during the previous year and every such person shall fill in such application blank and return it to the board with a renewal fee of \$25 within thirty days after receipt of said renewal application: *Provided*, That the board in its discretion by rule may increase or decrease the renewal fee. Upon receipt of the application and fee, the board shall verify the accuracy of the application and, if the same be accurate, issue to the applicant a certificate of renewal for the current year. Such certificate of renewal shall entitle the holder thereof to practice registered professional nursing for the period stated on the certificate of renewal. Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew his or her license and on payment to the board of the renewal fee hereinabove provided and a reinstatement fee of \$50. Any person practicing registered professional nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of this article. A person licensed under the provisions of this article desiring to retire from practice temporarily shall send a written notice of such desire to the board. Upon receipt of such notice the board shall place the name of such person upon the inactive list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice registered professional nursing in this state. When the person desires to resume active practice, application for renewal of license and payment of the renewal fee for the current year shall be made to the board.~~

(a) Persons regulated by this article shall annually or biennially, renew his or her board authorization by completing a form prescribed by the board and submitting any other information required by the board.

(b) The board shall charge a fee for each renewal of a board authorization and shall charge a late fee for any renewal not paid by the due date.

(c) The board may deny an application for renewal for any reason which would justify the denial of an original application.

§30-7-8a. Temporary permits.

~~(a) The board is authorized to assess a supplemental licensure fee not to exceed \$10 per license per year. The supplemental licensure fee is to be used to fund the center for nursing and to carry out its purposes as set forth in article seven-b of this chapter.~~

~~(b) The board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to establish the supplemental licensure fee.~~

~~(c) The board may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code for the initial fee assessment.~~

The board may issue a temporary permit to a person applying for a license under this article.

§30-7-15e. Joint Advisory Council on Limited Prescriptive Authority.

[Repealed.]

§30-7-18. Nursing shortage study commission.

~~(a) The Legislature finds the following:~~

~~(1) Health care services are becoming complex and it is increasingly difficult for patients to access integrated services;~~

~~(2) Quality of patient care is jeopardized because of insufficient nursing staff;~~

~~(3) To ensure the adequate protection of patients in acute care settings, it is essential that qualified registered nurses and other licensed nurses be accessible and available to meet the needs of patients;~~

~~(4) In West Virginia, and across the country, concerns about an increasing nursing shortage continue to grow;~~

~~(5) A number of factors contribute to the growing shortages in qualified nursing personnel;~~

~~(6) The way care is delivered has changed dramatically over the last decade with more people being treated in outpatient settings, shorter and more intense lengths of stay in acute and long-term care settings, and the development of alternatives to nursing home care;~~

~~(7) These changes have led to a number of employment options~~

~~becoming available to nurses that did not exist previously, making it difficult for employers of nurses to recruit and retain qualified nursing personnel;~~

~~(8) Severe cutbacks in the federal Medicare program, state budgetary pressures related to the Medicaid program and continued pressure from insurers to reduce their costs and to retrospectively deny payment for services rendered, have: (A) Made it extremely difficult for many providers to keep up with other employers in salaries and benefits and to recruit and retain qualified nursing personnel; and (B) increased stresses in the work environment;~~

~~(9) The increasing reliance on temporary employment agencies to meet nursing personnel needs further complicates the situation as continuity of care is disrupted, quality of patient care is jeopardized, and costs pressures are further increased; and~~

~~(10) Because of the multifaceted nature of these problems, it is critical that all of the interested and affected parties cooperate and collaborate in the development of solutions.~~

~~(b)~~ A nursing shortage study commission shall be created by the ~~West Virginia board of examiners for registered professional nurses~~. The board shall appoint ~~eleven~~ 9 members to the commission. The board shall appoint:

(1) ~~Two individuals who are~~ One individual who is on the board of examiners for registered professional nurses; ~~one of which is employed in a school of nursing;~~

(2) Two individuals that are employed as registered professional nurses in a hospital and who work primarily providing direct patient care;

(3) Two registered professional nurses who work as long-term care nurses, one of whom works in a nursing home and one of whom works for a home health agency, both of whom work primarily providing direct patient care;

(4) One nursing administrator; ~~of a hospital in this state;~~

(5) ~~One doctoral prepared nurse researcher;~~ The Chancellor of the Higher Education Policy Commission

(6) ~~One nursing home administrator; and~~ The West Virginia Nurses' Association President; and,

(7) ~~Two representatives of the public not currently or previously employed in hospital, nursing home or for a related entity.~~ The Executive Director of the Center for Nursing.

~~(e)~~ ~~(b)~~ Members of the commission are not entitled to compensation for services performed as members, but are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties. ~~Six~~ 5 of the appointed members is a quorum for the purpose of conducting business. The board shall meet at least monthly. The board shall designate a chair, who is not a public official. The commission shall conduct all meetings in accordance with the open meeting law pursuant to §6-9A-1 *et seq.* of this code.

~~(d)~~ (c) The commission shall:

(1) Study the nursing shortage in West Virginia and ways to alleviate it, including, but not limited to:

(A) Evaluating mechanisms currently available in the state and elsewhere intended to enhance education, recruitment, and retention of nurses in the workforce and to improve quality of care;

(B) Assessing the impact of shortages in nursing personnel on access to, and the delivery of, quality patient care;

(C) Developing recommendations on strategies to reverse the growing shortage of qualified nursing personnel in the state, including:

(i) Determining what changes are needed to existing programs, current scholarship programs and funding mechanisms to better reflect and accommodate the changing health care delivery environment and to improve quality of care to meet the needs of patients;

(ii) Facilitating career advancement within nursing;

(iii) Identifying more accurately specific shortage areas in a more timely manner;

(iv) Attracting middle and high school students into nursing as a career; and

(v) Projecting a more positive and professional image of nursing.

~~(2) Report to the Legislature by February 1, 2002, its findings and recommendations on or before February 1 each year thereafter.~~

Report its findings and recommendation to the Joint Committee on Health by December 1, 2022.

(3) Terminate January 1, 2023.

§30-7-20. Pilot program.

[Repealed.]

The bill was then ordered to third reading.

Com. Sub. for S. B. 528, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2022, to fund 0525, fiscal year 2022, organization 0506, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

58 – Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2022 Org 0506

| | | Appro- | | General |
|----|---|-----------------|----|----------------|
| | | priation | | Revenue |
| | | | | Fund |
| 6a | Institutional Facilities and Operations – Surplus (R) | 63200 | \$ | 15,625,000 |

The bill was then ordered to third reading.

S. B. 529, Encouraging additional computer science education in WV schools; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, section twelve, line twenty-five, following the words "computer architecture" and the comma, by inserting the words "coding, application development";

On page three, section twelve, line forty-three, following the words "computer architecture" and the comma, by inserting the words "coding, application development";

And,

On page three, section twelve, line fifty-four, following the word "architecture" and the comma, by inserting the words "coding, application development";

And,

On page three, section twelve, beginning on line sixty-two, following the words "post-secondary opportunities", by striking out the words "prior to the 2020-2021 school year" and the comma.

On motion of Delegates Kessinger and Steele, the bill was amended on page 3, section 12, line 43, after the word "development" by adding a comma and the words "digital literacy" and a comma.

There being no further amendments, the bill was ordered to third reading.

Com. Sub. for S. B. 543, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 3, section 23, line 54, by adding a new subsection (g) reading as follows: "Neither the state, a political subdivision, an agency, nor an employee of the state acting in an official capacity may be held personally liable for an act of an investigator employed by the unit if the act or omission was done in good faith while the investigator was performing official duties on behalf of the unit."

The bill was then ordered to third reading.

S. B. 546, Expanding uses of fees paid by students at higher education institutions; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 550, Relating to funding for higher education institutions; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

S. B. 570, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-5a. Criminal justice training regarding individuals with autism spectrum disorders; Alzheimer’s and dementia.

(a) The Law-Enforcement ~~Special~~ Professional Standards Subcommittee ~~may~~ shall establish within the basic training curriculum, a course for law-enforcement training programs for the training of law-enforcement officers and correction officers in appropriate interactions with individuals with autism spectrum disorders, Alzheimer’s and related dementias and ~~may~~ shall develop guidelines for law enforcement response to individuals on the autism spectrum, experience Alzheimer’s and related dementias who are victims or witnesses to a crime, or suspected or convicted of a crime.

(b) The course of instruction and the guidelines relating to autism spectrum disorders shall be developed and delivered by the West Virginia Autism Training Center, located at Marshall University. This course of instruction may stress positive responses to such individuals, de-escalate potentially dangerous situations, provide an understanding of the different manner in which such individuals process sensory stimuli and language, social communication, and language difficulties likely to affect interaction, and appropriate methods of interrogation. Training instructors shall always include adults with autism spectrum disorders and/or a parent or primary caretaker of an individual diagnosed with autism spectrum disorder.

(c) The training course of instruction relating to Alzheimer’s and dementia shall consist of two hours and be based on evidence-informed research into the identification of persons with Alzheimer’s and other dementias, risks such as wandering or elder abuse, and the best practices for law-enforcement officers interacting with such persons. The training course of instruction may be delivered by any qualified entity, organization, or person approved by the Law-Enforcement Professional Standards Subcommittee.

(c) (d) As used in this section:

(1) ‘Agency’ means the ability to make independent decisions and act in one’s own best interests;

(2) ‘Alzheimer’s’ means a medical condition diagnosis of the most common type of dementia which is a gradually progressive type of brain disorder that causes problems with memory, thinking, and behavior.

(2) (3) ‘Autism spectrum disorder’ means a developmental disability characterized by persistent and significant deficits in social communication, social interaction, communication, and behavior, and may include the diagnosis of pervasive developmental disorder, not otherwise specified, autistic disorder, and Asperger’s Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) Related ‘dementias’ means a major neurocognitive disorder resulting in the loss of cognitive functioning, thinking, remembering, and reasoning to such an extent that it interferes

with a person's daily life and activities, including, but not limited to, inability to control emotions, and change of personalities.

(3) (5) 'Law-enforcement officer' means any officer of any West Virginia law-enforcement agency, or any state institution of higher education as defined in §30-29-1(6) of this code; and

(4) (6) 'Training instructors' means professional experts, autistic adults, and/or the family member or primary caregiver of an autistic individual who deliver instruction and information.

(d) (e) The autism spectrum disorder course of basic training for law-enforcement officers and correction officers may include at least three hours of instruction in the procedures and techniques described in this subsection:

(1) The nature and manifestation of autism spectrum disorders;

(2) Appropriate techniques for interviewing or interrogating an individual on the autism spectrum, including techniques to ensure the legality of statements made, and techniques to protect the rights of the interviewee;

(3) Techniques for locating an individual on the autism spectrum who runs away and is in danger, and returning the individual while causing as little stress as possible to the individual;

(4) Techniques for recognizing an autistic individual's agency while identifying potential abusive or coercive situations;

(5) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both the law-enforcement officer or correction officer and the autistic individual;

(6) Techniques for differentiating between an individual on the autism spectrum from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an autistic individual;

(7) Procedures to identify and address challenges related to the safety and well-being of autistic individuals in a correctional facility; and

(8) The impact of interaction with law-enforcement officers or correction officers on autistic individuals.

(f) The Alzheimer's and related dementias course of basic training for law-enforcement officers and correction officers may include at least two hours of instruction in the procedures and techniques described in this subsection:

(1) Dementia, psychiatric, and behavioral symptoms;

(2) Communication issues, including how to communicate respectfully and effectively with the individual who has dementia in order to determine the most appropriate response and effective communication techniques to enhance collaboration with caregivers;

(3) Techniques for understanding and approaching behavioral symptoms and identify alternatives to physical restraints;

(4) Identifying and reporting incidents of abuse, neglect, and exploitation to Adult Protective Services (APS) at West Virginia Department of Health and Human Services;

(5) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both the law-enforcement officer or correction officer and the individual with Alzheimer's or related dementias;

(6) Protocols for contacting caregivers when a person with dementia is found wandering or during emergency or crisis situations;

(7) Local caregiving resources that are available for people living with dementia; and

(8) The impact of interaction with law-enforcement officers or correction officers on Alzheimer's and dementia individuals.

(e) (g) All law-enforcement recruits may receive the course of basic training for law-enforcement officers, established in this section, as part of their required certification process. The course of basic training for law-enforcement officers may be taught as part of the "crisis intervention and conflict resolution" and "people with special needs" components of the training.

(f) (h) All correction officer recruits may receive the course of basic training for correction officers, established in this section, as part of their required certification process.

(g) (i) The Commissioner of the Division of Corrections and Rehabilitation periodically may include within the in-service training curriculum a course of instruction on individuals with autism spectrum disorder, Alzheimer's, and related dementias, consistent with this section.

(h) (j) The Law-Enforcement Professional Standards Subcommittee periodically may include within its in-service training curriculum, a course of instruction on individuals with autism spectrum disorder, Alzheimer's, and related dementias, consistent with this section."

The bill was then ordered to third reading.

Com. Sub. for S. B. 571, Declaring certain claims to be moral obligations of state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, section 1, following the enacting clause, by striking the section heading in its entirety and inserting in lieu thereof the following:

"§1. Finding and declaring certain claims against the Legislature, Joint Committee on Government and Finance; Department of Environmental Protection; Department of Environmental Protection, Office of Special Reclamation; Department of Health & Human Resources; Department of Homeland Security, Division of Corrections and Rehabilitation; Department of Transportation, Division of Highways; Department of Transportation, Division of Motor Vehicles; Department of Veterans Affairs; and West Virginia Parole Board to be moral obligations of the state and directing payment thereof."; and

On page 6, section 1, line 89, by striking "Christie" and inserting in lieu thereof "Cristie"; and

On page 10, section 1, line 182, following “Sandra”, by striking “McCalister” and inserting in lieu thereof “McAlister”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 584, Relating to WV Infrastructure and Jobs Development Council; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 4, section 10, line 68, following the word “assistance” by inserting “to defray the expenses of the preapplication process”; and

On page 4, section 17c, line 5, following the word “balances” by striking the words “for each congressional district”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 585, Creating administrative medicine license for physicians not practicing clinical medicine; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 624, Making supplementary appropriation to DHHR, Division of Health, Laboratory Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 625, Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 633, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 634, Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 641, Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff’s Retirement System; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, section 7, line 11, following the word “set” by striking “actuarially” and inserting in lieu thereof “actuarially”; and

On page 2, section 7, line 21, following “retirement” by inserting “system”; and

On page 2, section 7, line 29, following “set” by striking “actuarially” and inserting in lieu thereof “actuarially”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 643, Removing residency requirement of members appointed to county airport authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 698, Relating to number and selection of members for Governor's Veterans Council; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 704, Allowing parents, grandparents, and guardians to inspect instructional materials in classroom; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk on page 1, section 27, line 1, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 1, section 27, line 6, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 1, section 27, line 8, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 1, section 27, line 9, after the words "inspect the" by striking out the word "supplementary";

And,

On page 2, section 27, line 11, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 2, section 27, line 12, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 2, section 27, line 17, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 2, section 27, line 19, after the word "parent," by striking out the word "grandparent" and inserting in lieu thereof the word "custodian";

And,

On page 2, section 27, line 22, after the word “parent,” by striking out the word “grandparent” and inserting in lieu thereof the word “custodian”;

And,

On page 2, section 27, line 32, after the word “section,” by striking out the word “grandparent” and inserting in lieu thereof the word “custodian”;

And,

On page 2, section 27, line 32, after the words “means a” by striking out the words “grandparent of the child” and inserting in lieu thereof the word “person”;

And,

On page 2, section 27, line 35 after the words “parent or” by striking out the word “grandparent” and inserting in lieu thereof the word “custodian”.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 462**), and there were—yeas 66, nays 25, absent and not voting 9, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Barrett, Hamrick, D. Kelly, J. Kelly, Martin, Pack, Paynter, Smith and Westfall.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to third reading.

S. B. 715, Decreasing and increasing existing items of appropriations from State Fund, General Revenue; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 716, Supplemental appropriation to DOE, WV BOE, Strategic Staff Development; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 717, Supplemental appropriation to Miscellaneous Boards and Commissions, Board of Medicine, Medical Licensing Board; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 718, Supplemental appropriation to Department of Administration, Travel Management, Aviation Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 719, Supplemental appropriation to DHS, Fire Commission, Fire Marshal Fees; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 720, Supplementing and amending appropriations to Executive, Governor's Office, Civil Contingent Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 722, Expiring funds to DEP, Division of Environmental Protection, Reclamation of Abandoned and Dilapidated Property Program Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 723, Making supplementary appropriation to Department of Agriculture, WV Spay Neuter Assistance Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 724, Making supplementary appropriation to DHS, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 725, Supplementing and amending appropriations to DHS, WV State Police; on second reading, coming up in regular order, was read a second time and ordered to 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. 2, Relating to unemployment benefits program,

Com. Sub. for S. B. 138, Relating to Board of Medicine composition,

Com. Sub. for S. B. 205, Expanding PEIA Finance Board membership,

S. B. 228, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV,

Com. Sub. for S. B. 230, Relating generally to public employees grievance procedure,

Com. Sub. for S. B. 232, Relating to punishment for third offense felony,

Com. Sub. for S. B. 242, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations,

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

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

Com. Sub. for S. B. 264, Relating to conservation districts law of WV,

Com. Sub. for S. B. 268, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school,

Com. Sub. for S. B. 312, Authorization for Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 334, Authorizing miscellaneous agencies and boards to promulgate rules,

Com. Sub. for S. B. 424, Relating generally to 2022 Farm Bill,

Com. Sub. for S. B. 434, Updating authority to airports for current operations,

Com. Sub. for S. B. 438, Relating generally to WV Security for Public Deposits Act,

Com. Sub. for S. B. 441, Providing confidentiality of video and other records of correctional juvenile facilities,

S. B. 442, Relating to WV Public Employee Retirement System,

Com. Sub. for S. B. 463, Best Interests of Child Protection Act of 2022,

Com. Sub. for S. B. 530, Encouraging public-private partnerships in transportation,

Com. Sub. for S. B. 533, Relating to funding for health sciences and medical schools in state,

S. B. 548, Authorizing Workforce WV employers to obtain employment classifications and work locations,

Com. Sub. for S. B. 552, Relating to tax sale process,

Com. Sub. for S. B. 568, Relating to health insurance loss ratio information,

Com. Sub. for S. B. 574, Relating to WV PEIA,

Com. Sub. for S. B. 582, Creating WV Workforce Resiliency Act,

Com. Sub. for S. B. 588, Relating to WV Rails to Trails Program,

Com. Sub. for S. B. 606, Relating to WV Medical Practice Act,

Com. Sub. for S. B. 609, Allowing DOH Commissioner to accept ownership of rented and leased equipment,

Com. Sub. for S. B. 610, Relating to duties, powers and responsibilities of DOT Secretary,

Com. Sub. for S. B. 611, Removing cap on bidder's contract bond

S. B. 617, Relating to qualifications for members of boards, commissions, and other entities,

Com. Sub. for S. B. 647, Prohibiting discrimination in organ donation process,

Com. Sub. for S. B. 653, Relating to public higher education governance,

Com. Sub. for S. B. 659, Relating to nonintoxicating beer, wine, and liquor licenses and requirements,

Com. Sub. for S. B. 662, Relating to creation, expansion, and authority of resort area district,

Com. Sub. for S. B. 668, Clarifying eligibility for probation and parole conditions for sex offenses,

S. B. 685, Relating to WV Real Estate License Act,

S. B. 686, Clarifying use of notes and bonds of WV Housing Development Fund,

S. B. 693, Clarifying meeting voting requirements for political party executive committees,

S. B. 711, Establishing alternative educational opportunities for elective course credit,

S. B. 714, Relating to tie votes by Coal Mine Safety and Technical Review Committee,

And,

S. B. 726, Relating to pre-trial diversion agreements and deferred prosecution agreements.

At 3:44 p.m., the House of Delegates recessed for fifteen minutes.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

At 4:41 p.m., the House of Delegates adjourned until 9:00 a.m., Thursday, March 10, 2022.

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

SPECIAL CALENDAR

Thursday, March 10, 2022

58th Day

9:00 A. M.

THIRD READING

- S. B. 1 - Creating Mining Mutual Insurance Company (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING] [AMENDMENTS PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 5 - Creating WV Unmanned Aircraft Systems Advisory Council (STEELE) (REGULAR)
- Com. Sub. for S. B. 6 - Establishing common law “veil piercing” claims not be used to impose personal liability (CAPITO) (REGULAR)
- Com. Sub. for S. B. 25 - Updating provisions of Medical Professional Liability Act (CAPITO) (REGULAR) [RIGHT TO AMEND]
- S. B. 172 - Increasing compensation of elected county officials (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 231 - Relating generally to broadband connectivity (CAPITO) (REGULAR) [RIGHT TO AMEND]
- Com. Sub. for S. B. 245 - Revising wage payment and collection (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 253 - Relating to voting precincts and redistricting (STEELE) (REGULAR)
- Com. Sub. for S. B. 261 - Requiring video cameras in certain special education classrooms (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 443 - Including police and firefighter as electors of trustees for certain pension funds (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 476 - Relating to imposition of minimum severance tax on coal (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 478 - Relating to Neighborhood Investment Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 487 - Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 492 - Relating to electronic collection of tolls (STEELE) (EFFECTIVE FROM PASSAGE)

- S. B. 493 - Requiring county BOE make meetings available to public in-person and through internet (CAPITO) (JULY 1, 2022)
- Com. Sub. for S. B. 518 - Allowing nurses licensed in another state to practice in WV (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 528 - Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 529 - Encouraging additional computer science education in WV schools (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 543 - Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV (CAPITO) (REGULAR)
- S. B. 546 - Expanding uses of fees paid by students at higher education institutions (HOUSEHOLDER) (REGULAR)
- S. B. 570 - Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias (CAPITO) (REGULAR)
- Com. Sub. for S. B. 571 - Declaring certain claims to be moral obligations of state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 584 - Relating to WV Infrastructure and Jobs Development Council (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 585 - Creating administrative medicine license for physicians not practicing clinical medicine (ROHRBACH) (REGULAR)
- S. B. 624 - Making supplementary appropriation to DHHR, Division of Health, Laboratory Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 625 - Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 633 - Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 634 - Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 641 - Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 643 - Removing residency requirement of members appointed to county airport authority (STEELE) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for S. B. 698 - Relating to number and selection of members for Governor's Veterans Council (STEELE) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 704 - Allowing parents, grandparents, and guardians to inspect instructional materials in classroom (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- S. B. 715 - Decreasing and increasing existing items of appropriations from State Fund, General Revenue (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 716 - Supplemental appropriation to DOE, WV BOE, Strategic Staff Development (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 717 - Supplemental appropriation to Miscellaneous Boards and Commissions, Board of Medicine, Medical Licensing Board (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 718 - Supplemental appropriation to Department of Administration, Travel Management, Aviation Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 719 - Supplemental appropriation to DHS, Fire Commission, Fire Marshal Fees (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 720 - Supplementing and amending appropriations to Executive, Governor's Office, Civil Contingent Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 722 - Expiring funds to DEP, Division of Environmental Protection, Reclamation of Abandoned and Dilapidated Property Program Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 723 - Making supplementary appropriation to Department of Agriculture, WV Spay Neuter Assistance Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 724 - Making supplementary appropriation to DHS, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 725 - Supplementing and amending appropriations to DHS, WV State Police (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for S. B. 2 - Relating to unemployment benefits program (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 7 - Relating to damages for medical monitoring (CAPITO) (REGULAR)

- S. B. 10 - Relating to WVU Rifle Team electronic application donation program (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 71 - Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, or other legal requirements (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 138 - Relating to Board of Medicine composition (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 205 - Expanding PEIA Finance Board membership (STEELE) (REGULAR)
- S. B. 228 - Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 230 - Relating generally to public employees grievance procedure (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 232 - Relating to punishment for third offense felony (CAPITO) (REGULAR)
- Com. Sub. for S. B. 242 - Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations (CAPITO) (REGULAR)
- Com. Sub. for S. B. 246 - Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 247 - Relating to certified community behavioral health clinics (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 262 - Relating generally to financial institutions engaged in boycotts of energy companies (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 264 - Relating to conservation districts law of WV (STEELE) (REGULAR)
- Com. Sub. for S. B. 268 - Creating exemption from compulsory school attendance for child who participates in learning pod or micro school (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 312 - Authorization for Department of Revenue to promulgate legislative rules (STEELE) (EFFECTIVE FROM PASSAGE) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 334 - Authorizing miscellaneous agencies and boards to promulgate rules (STEELE) (EFFECTIVE FROM PASSAGE) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

- Com. Sub. for S. B. 424 - Relating generally to 2022 Farm Bill (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 434 - Updating authority to airports for current operations (CAPITO) (REGULAR)
- Com. Sub. for S. B. 438 - Relating generally to WV Security for Public Deposits Act (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 441 - Providing confidentiality of video and other records of correctional juvenile facilities (CAPITO) (REGULAR)
- S. B. 442 - Relating to WV Public Employee Retirement System (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 463 - Best Interests of Child Protection Act of 2022 (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 486 - Allowing PERS retirees to designate special needs trust as beneficiary (CAPITO) (REGULAR)
- Com. Sub. for S. B. 498 - Creating Anti-Racism Act of 2022 (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 530 - Encouraging public-private partnerships in transportation (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 533 - Relating to funding for health sciences and medical schools in state (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 536 - Relating generally to controlled substance criminal offenses (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 548 - Authorizing Workforce WV employers to obtain employment classifications and work locations (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 550 - Relating to funding for higher education institutions (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 552 - Relating to tax sale process (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 568 - Relating to health insurance loss ratio information (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 573 - Providing system where magistrates shall preside in certain instances outside normal court hours (CAPITO) (REGULAR)

Com. Sub. for S. B. 574 - Relating to WV PEIA (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 582 - Creating WV Workforce Resiliency Act (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 588 - Relating to WV Rails to Trails Program (STEELE) (REGULAR)

Com. Sub. for S. B. 590 - Clarifying that tenancy includes persons who reside in sober living home (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 606 - Relating to WV Medical Practice Act (CAPITO) (REGULAR)

Com. Sub. for S. B. 609 - Allowing DOH Commissioner to accept ownership of rented and leased equipment (STEELE) (REGULAR)

Com. Sub. for S. B. 610 - Relating to duties, powers and responsibilities of DOT Secretary (CAPITO) (REGULAR)

Com. Sub. for S. B. 611 - Removing cap on bidder's contract bond (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

S. B. 617 - Relating to qualifications for members of boards, commissions, and other entities (STEELE) (REGULAR)

Com. Sub. for S. B. 647 - Prohibiting discrimination in organ donation process (CAPITO) (REGULAR)

Com. Sub. for S. B. 653 - Relating to public higher education governance (ELLINGTON) (EFFECTIVE FROM PASSAGE) [EDUCATION COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 656 - Providing tax credit for certain corporations with child-care facilities for employees (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 659 - Relating to nonintoxicating beer, wine, and liquor licenses and requirements (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 662 - Relating to creation, expansion, and authority of resort area district (CAPITO) (REGULAR)

Com. Sub. for S. B. 668 - Clarifying eligibility for probation and parole conditions for sex offenses (CAPITO) (REGULAR)

S. B. 685 - Relating to WV Real Estate License Act (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

S. B. 686 - Clarifying use of notes and bonds of WV Housing Development Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]

- S. B. 693 - Clarifying meeting voting requirements for political party executive committees (CAPITO) (REGULAR)
- S. B. 711 - Establishing alternative educational opportunities for elective course credit (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- S. B. 714 - Relating to tie votes by Coal Mine Safety and Technical Review Committee (STEELE) (EFFECTIVE FROM PASSAGE)
- S. B. 726 - Relating to pre-trial diversion agreements and deferred prosecution agreements (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 729 - Relating to funding for infrastructure and economic development projects in WV (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]

HOUSE CALENDAR

Thursday, March 10, 2022

58th Day

9:00 A. M.

UNFINISHED BUSINESS

H. C. R. 42 - Urging U.S. universities to relocate Chinese language programs from mainland China to Taiwan

THIRD READING

- Com. Sub. for H. B. 4066 - Distracted Driving Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4089 - Require certain coverage and reimbursement for a person diagnosed with hypertension (HOUSEHOLDER) (REGULAR)
- H. B. 4314 - Exclude Solicitor from the definition of Investment Advisor (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4370 - Clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network (HOUSEHOLDER) (REGULAR)
- H. B. 4482 - Relating to removing the statutory limit of \$300,000.00 for the Environmental Laboratory Certification Fund (STEELE) (REGULAR)
- Com. Sub. for H. B. 4691 - Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality (STEELE) (REGULAR)
- Com. Sub. for H. B. 4753 - Prohibiting locating certain homeless facilities near schools and certain daycares (CAPITO) (REGULAR)
- H. B. 4761 - Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- H. B. 4840 - Relating to Office of Miners Health, Safety and Training (STEELE) (REGULAR) [RIGHT TO AMEND]

SECOND READING

- Com. Sub. for H. B. 2092 - Requiring each high school student to complete a full credit course of study in personal finance (STEELE) (REGULAR)
- H. B. 2882 - Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)

- Com. Sub. for H. B. 4473 - To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties (HOUSEHOLDER) (REGULAR)
- H. B. 4623 - Uniform Common Interest Ownership Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4625 - To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- H. B. 4843 - Relating to locality pay for correctional officers (HOUSEHOLDER) (REGULAR)

FIRST READING

- S. B. 728 - Requiring registered sex offenders pay annual fee (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 4483 - Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 4595 - Create camera assisted enforcement of speeding in active work zones (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4731 - To establish the Occupational Therapy Licensure Compact (STEELE) (REGULAR)
- H. B. 4841 - Relating to open captioning for motion pictures (STEELE) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, MARCH 10, 2022

HOUSE CONVENES AT 9:00 A.M.

**COMMITTEE ON RULES
8:45 A.M. – BEHIND CHAMBER**

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