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News From Inside The Capitol

Session Summary

March 14, 2022

2022 West Virginia Legislative Session Summary

at midnight marked the completion of the West Virginia Legislature's Regular Session. With over 2000 bills introduced, there are plenty of methods to summarize the work accomplished over the last two months in Charleston. Here are some of the numbers that best wrap-up this legislative session:

Breakdown "By the Numbers"

- **1483** – House Bills introduced
- **733** – Senate Bills introduced
- **216** – House Bills passed to the Senate
- **231** – Senate Bills passed to the House
- **172** – Resolutions passed both chambers
- **293** – Bills passed by both chambers, waiting on action by Gov Justice
- **34** – Bills signed by Gov Justice
- **16** – Bills signed into immediate effect by Gov Justice
- **8** – Interim sessions planned for the upcoming year
- **6** – Weeks until the start of the first interim session

With nearly 300 bills passed by both chambers, there's plenty of new legislation to dissect; remember though – many of these bills still require Gov Justice's signature of approval. Here's a breakdown, by category, of some of the most impactful – and oftentimes, controversial – bills that were discussed and may eventually affect each one of us across the Mountain State:

Breakdown**"By"****Category"**Healthcare

1. **COVID:** HB 4012 prohibits state or local government offices, hospitals, and state institutions of higher education from requiring proof of vaccination as a condition for entering. The bill, which easily passed the House 80-16 and the Senate 23-9, would take effect immediately.
2. **Opioid Crisis:** The Legislature attempted to pass bills to combat the drug epidemic in WV, like HB 4373 (which excludes fentanyl test strips from the definition of drug paraphernalia) and HB 4607 (which removes opioid treatment programs from requiring a certificate of need). HB 4373 completed the legislative process, which should allow for safer drug testing; however, the Senate ran out of time before addressing the opioid treatment program bill.
3. **Abortion:** SB 468 – which prevents abortion for the reason of fetal disabilities, such as Down Syndrome – became completed legislation on the final day of session. HB 4004 would have also limited abortions to within 15 weeks of conception, other than in the case of “severe fetal abnormality”, but it was ultimately not voted on by the Senate.
4. **DHHR Split:** HB 4020 reorganizes the current DHHR into two departments. The split would cost \$308,000 due to two new positions being created, and it would take effect in July 2023.
5. **PEIA:** One other notable bill not passed by the House was SB 574, which would have raised the hospitable inpatient reimbursement rates paid by PEIA to 110% of the value paid by Medicare.

Finance

1. **Budget Bill:** SB 250 – the Senate’s 200-page version of the state’s budget – easily passed through the House after being touted by leadership as a compromise between the Governor, the House, and the Senate where “the good outweighs the bad.” The plan is an “essentially flat” budget in terms of its \$4.6B in general revenue, but it also lists \$1B in items that could be funded with available surplus tax revenue at the end of this fiscal year.

2. **Financial Institution Exclusion** – SB 262 authorizes the State Treasurer to prepare a list of financial institutions engaged in a boycott of the energy industry and exclude these institutions from the selection process for state banking contracts. The final version of the bill limits the Treasurer’s usable information sources when creating the list, requires the Treasurer to send written notice to companies on the list, and provides a process for companies to be removed from the list.
3. **Unemployment Benefits** – SB 2 would have reduced unemployment eligibility from 26 weeks to 12 weeks, with an additional week added to 12 for every 0.5% the unemployment rate is above 5.5%. However, the bill wasn’t voted on by the House. The Senate attempted to amend the legislation into another bill – SB 543 – but the House never concurred on the Senate’s amendment to that bill either.
4. **Public Employee Pay Raise** – SB 531 will provide a 5% pay raise to public school teachers and personnel as well as a \$10,000 raise for West Virginia State Police. Gov Justice called for this pay raise, so it is fully expected to be signed into law by the Governor.

Energy

1. **Oil and Gas: Horizontal Well Unitization** – SB 694 sets requirements for companies looking to combine two or more oil and gas tracts to form a single, combined horizontal well unit. Of primary importance, the bill allows applicants to utilize the unit with agreement from royalty owners of just 75% of the acreage in question. The bill’s proponents – who cited “efficient development of natural resources” – ultimately trumped the argument against the bill, which centered around property rights.
2. **Coal: Acid Mine Drainage** – HB 4003 allows third parties to enter an agreement with mine owners to treat mine drainage and commercially benefit from any valuable substances removed from the drainage. As a result, the bill not only provides opportunities for future economic development, but it also provides an incentive for companies to reduce environmental harm from mine drainage.
3. **Carbon Sequestration**: SB 622 sets up the regulatory framework to perform underground carbon sequestration/capture. The framework includes an application

process, which requires consent of 75% of landowners – similar to the unitization in SB 694. The DEP testified that there is “a tremendous amount of interest” in using this technology in West Virginia.

4. **Alternative Energy Sources:** The Legislature also passed two bills making progress towards less conventional energy sources in WV: nuclear and geothermal. SB 4 repealed the ban on the construction of nuclear power plants, which allows interested stakeholders to research whether nuclear power is reasonable for WV. HB 4098 sets up the regulatory framework, the permitting system, and the ownership rights for geothermal resources. SB 4 has been approved by the Governor, while HB 4098 is awaiting his approval.

Education

1. **Critical Race Theory:** SB 498, which was officially titled the “Anti-Racism Act of 2022”, would have had the effect of banning the teaching of Critical Race Theory (CRT) in public schools. However, the Senate – who voted to pass SB 498 – did not complete their vote until after midnight on the final day of session, and as a result, the vote will not count. SB 498 will not be communicated to the Governor.
2. **Inspecting Classroom Materials:** SB 704 gives parents and guardians the ability to request to inspect any instructional material being used in a public classroom. Motivation for passage of this bill stemmed from providing parents a way to monitor critical race theory and other controversial topics being taught to their children.
3. **Computer Science Education:** In the Governor’s State of the State address, he called for providing children in WV with computer programming classes to prepare them for future jobs. SB 592 – in response to the Governor’s request – calls for “age-appropriate instruction in the computer science field for all students beginning in elementary school” and continuing throughout high school. The bill specifically calls for the State Board of Education to submit a plan to accomplish this prior to the 2023 legislative session.

Technology/Miscellaneous

1. **Autonomous Delivery Vehicles:** HB 4675 allows for the operation of low-speed autonomous delivery vehicles on sidewalks and certain roadways. These vehicles are required to weigh less than 100 pounds and travel under speeds of 20 mph. This legislation should provide for delivery companies and others to begin deploying autonomous technologies in WV. The legislation also prohibits local authorities from providing additional regulations.
2. **Broadband Internet:** HB 4001 provides for expansion of broadband services and customer protections. The first portion of the bill creates several funds used for extending fiber lines and internet expansion projects. The other aspects of the bill most touted by its lead sponsor are its requirements for service providers to: 1) give credits to customers with service interruptions longer than 24 hours and 2) give 30-day's notice to customers before changes of service.

Following are bills specific to our industry:

[Here is a link](#) to the full list of bills we monitored on behalf of Big I West Virginia during the 2022 Legislative Session.

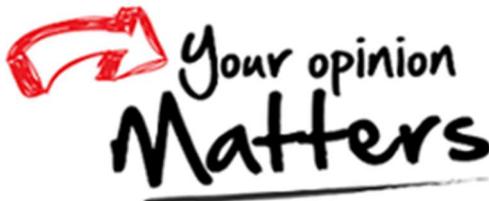
Find Your Legislators

The Legislature's website is an excellent resource to find contact information for your local Legislators and the committees on which they serve. Below are links to the member rosters for both the Senate and House.



If you would like to contact your **Senators** about an issue, their information is [available here](#).

If you would like to contact your **Delegates** about an issue, their information is [available here](#).



If you have any questions during the session or would like to express your opinion on issues, please contact Daniel Hall at daniel@omegawv.com or you can call the office at 304.342.2440 and leave him a message. You may also contact Traci Nelson at traci@omegawv.com or at 304.342.2440.

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Capitol Conversations
2022 WV LEGISLATIVE SESSION

Join IIAWV for
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About Industry Issues
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Every Thursday
During the Legislative Session
4:00 - 5:00 p.m.
VIA ZOOM

Tune into the Capitol Conversation live every Thursday evening, beginning February 10th, from 4:00 - 5:00 p.m., during the 2022 WV Legislative Session. We will be discussing the leading industry issues and updating members about what is going on at the Capitol. We will have special guests each week. **Each weekly session has been approved for one hour of continuing education credits.** The following weekly sessions will occur on:

- Feb. 24, 2022 04:00 PM
- Mar. 3, 2022 04:00 PM

To register, please complete the [Registration Form](#). A confirmation email will be remitted after receiving your registration form, multiple registrations can be remitted on one form.

If you have any questions, please feel free to contact [Sarah Estep, Programs Coordinator](#).

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