

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4067

BY DELEGATE SUMMERS

[Originating in the Committee on Government

Organization on January 17, 2022]

1 A BILL to amend and reenact §5-11B-7 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §5A-6C-4 of said code; to repeal §8-13C-13 of said code; to amend and
3 reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend
4 and reenact §16-1-21 of said code; to amend and reenact §16-33-6 of said code; to repeal
5 §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §29-6-7a of said code;
6 to repeal §22A-6-11 of said code; to repeal §22A-6-12 of said code; to repeal §22A-6-13
7 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-
8 18-24 of said code; and to repeal §33-25A-35 of said code; all relating to making certain
9 agency reports electronic rather than in printed hard-copy form; and eliminating the
10 reporting requirement entirely for those agencies whose reports are no longer needed or
11 whose deadlines have passed with reports already submitted.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.

§5-11B-7. Reports.

1 The Commission shall annually on October 1 of each year report to the Joint Committee
2 on Government and Finance on the number of complaints filed under this article during the
3 previous year and their resolution. The report shall be transmitted to the members of the
4 committee electronically. Further, the report shall be provided to the legislative librarian to be
5 posted to the legislative website. No hard copy of the report shall be issued; however, a hard copy
6 may be requested by a member and provided upon request.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.

§5A-6C-4. Cybersecurity Office annual report.

1 (a) On or before December 31 of each year, and when requested by the Legislature, the
2 Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance
3 containing the number and nature of incidents reported to it during the preceding calendar year.
4 The report shall be transmitted to the members of the committee electronically and shall be sent
5 to the legislative librarian to be posted on the legislative website. No hard copy of the report shall
6 be issued; however, a hard copy may be requested by a member and provided upon request.

7 (b) The Cybersecurity Office shall also make recommendations, if any, on security
8 standards or mitigation that should be adopted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

**ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX;
AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL
AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.**

§8-13C-13. Study.

1 [Repealed.]

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 7. JOBS INVESTMENT TRUST FUND.

§12-7-12. Reports of board; report of housing development fund.

1 (a) The board shall prepare annually, or more frequently if deemed necessary by the
2 board, a report of its operations and the performance of the various investments administered by
3 it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of

4 the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee.
5 Such report shall be kept available for inspection by any citizen of this state.

6 (b) The West Virginia housing development fund shall prepare annually and submit to the
7 president of the Senate, the speaker of the House of Delegates, the Legislative Auditor and, upon
8 request, any legislative committee, a report on the performance of the board and the quality of its
9 investments for the preceding year.

10 (c) The report shall be transmitted to the president of the Senate, the speaker of the House
11 of Delegates, the legislative auditor and, upon request, any legislative committee electronically.
12 Further, the report shall be provided to the legislative librarian to be posted to the legislative
13 website. No hard copy of the report shall be issued; however, a hard copy may be requested and
14 provided upon request.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-21. Annual report of West Virginia Legislative Claims Commission.

1 The West Virginia Legislative Claims Commission shall prepare and transmit annually to
2 the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims
3 Commission under this article. The report shall include the number of claims filed, the number of
4 awards made and the amount of each award, and a statistical summary of claims and awards
5 made and denied; the balance in the Crime Victims Compensation Fund with a listing by source
6 and amount of the moneys that have been deposited in the fund; the amount that has been
7 withdrawn from the fund, including separate listings of the administrative costs incurred by the
8 West Virginia Legislative Claims Commission, compensation of commissioners and commission
9 personnel, the amount awarded as attorneys' fees. The report shall be transmitted to the
10 Governor and members of the Legislature electronically. Further, the report shall be provided to

11 the legislative librarian to be posted to the legislative website. No hard copy of the report shall be
12 issued; however, a hard copy may be requested and provided upon request.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-21. Creation of Diabetes Action Plan.

1 [Repealed]

ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.

§16-33-6. Annual report.

1 The director shall submit an annual report to the Governor and the Legislature concerning
2 the operation of the breast and cervical cancer detection and education program including
3 available data and assessment. Such report shall also include any recommendations for
4 additional action to respond to the high incidence of breast and cervical cancer in this state. The
5 plan shall be transmitted to Governor and members of the Legislature electronically. Further, the
6 report shall be provided to the legislative librarian to be posted to the legislative website. No hard
7 copy of the report shall be issued; however, a hard copy may be requested and provided upon
8 request.

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

§16-41-6. Reporting requirements.

1 [Repealed.]

CHAPTER 18. EDUCATION.

ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.

§18-10L-7. Report.

1 [Repealed.]

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.

ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.

§22A-6-11. Study of methane detecting shut off devices.

1 [Repealed.]

§22A-6-12. Study of whistleblower protections.

1 [Repealed.]

§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.

1 [Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7a. Report on a centralized personnel system.

1 [Repealed.]

CHAPTER 31. CORPORATIONS.

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.

1 (a)(1) The Chesapeake Bay has been identified as an impaired water body due to
2 excessive nutrients entering the bay from various sources in six states, including wastewater
3 facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their
4 respective nutrient contributions to the Chesapeake Bay.

5 (2) The Greenbrier River Watershed in southeastern West Virginia which encompasses
6 approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier,
7 Monroe and Summers counties, has been identified as an impaired water body due to excessive

8 levels of fecal coliform and phosphorus entering the watershed from various sources, including
9 wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees
10 to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

11 (b) Notwithstanding any other provision of this code to the contrary, the Water
12 Development Authority may issue, in accordance with the provisions of section seventeen of this
13 article, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery
14 Revenue Debt Service Fund created by section nine of this article and such other sources as may
15 be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt
16 Service Fund created by section seventeen of this article.

17 (c) The council shall direct the Water Development Authority to issue bonds in one or more
18 series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier
19 River watershed compliance projects with an authorized permitted flow of four hundred thousand
20 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance,
21 fund a debt service reserve account, capitalize interest, pay for security instruments necessary to
22 market the bonds and to make grants to governmental instrumentalities of the state for the
23 construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River
24 watershed compliance projects. To the extent funds are available in the West Virginia
25 Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council
26 may direct the Water Development Authority to make grants to project sponsors for the design or
27 construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River
28 watershed compliance projects: *Provided*, That the council shall direct the Water Development
29 Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay
30 debt service in fiscal year 2013 a grant of \$6 million to a Chesapeake Bay watershed compliance
31 project which opened bids on December 28, 2011, and further provided that such Chesapeake
32 Bay watershed compliance project shall receive no further grant funding under this section after
33 receipt of the \$6 million grant.

34 (d) No later than June 30, 2012, each publicly owned facility with an authorized permitted
35 flow of four hundred thousand gallons per day or more that is subject to meeting Chesapeake
36 Bay compliance standards or Greenbrier River watershed compliance standards shall submit to
37 the council a ten-year projected capital funding plan for Chesapeake Bay watershed compliance
38 projects or Greenbrier River watershed compliance projects, as the case may be, including a
39 general project description, cost estimate and estimated or actual project start date and project
40 completion date, if any. The council shall timely review the submitted capital funding plans and
41 forward approved plans to the Water Development Authority for further processing and
42 implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate or
43 otherwise problematic, it shall return the plan to the applicant with comment on the plan
44 shortcomings. The applicant may then resubmit to council an amended capital funding plan for
45 further consideration pursuant to the terms of this subsection.

46 (e) Upon approval, each proposed Chesapeake Bay watershed compliance project or
47 Greenbrier River watershed compliance project, or portion of a larger project, which portion is
48 dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards,
49 established for the protection and restoration of the Chesapeake Bay or the Greenbrier River
50 watershed, as the case may be, shall be eligible for grant funding by funds generated by the
51 infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of
52 the applicant, the remaining percentage of project funding not otherwise funded by grant under
53 the provisions of this article may be reviewed as a standard project funding application.

54 ~~(f) No later than December 1, 2012, the Water Development Authority shall report to the~~
55 ~~Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed~~
56 ~~compliance projects and the Greenbrier River watershed compliance projects and the proposed~~
57 ~~grant awards for each eligible project. From the proceeds of bonds issued under subsection (b)~~
58 ~~of this section, the council shall direct the Water Development Authority to make grants to eligible~~
59 ~~projects ready to proceed to construction and those grant awards shall be pro-rated to an equal~~

60 ~~percentage of total eligible costs among all applicants for each eligible project as certified by the~~
61 ~~Water Development Authority in its report to the Joint Committee on Government and Finance~~
62 ~~dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with~~
63 ~~the scope of the eligible project included in the council's approval on December 5, 2012~~

64 (g) (f) Eligible projects that have obtained project financing prior to December 31, 2012,
65 may apply to the council for funding under the provisions of this section. These applications shall
66 be processed and considered as all other eligible projects, and a grant funding awarded shall, to
67 the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by
68 governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects
69 or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the
70 bond covenants and contractual obligations of the borrowing governmental entity. However, any
71 private portion of funding provided by agreement between a political subdivision and one or more
72 private entities, either by direct capital investment or debt service obligation, shall not be eligible
73 for grant funding under the provisions of this article.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

**§31-18-24. Annual audit; reports to Joint Committee on Government and Finance;
information to joint committee or legislative auditor.**

1 The Housing Development Fund shall cause an annual audit to be made by an
2 independent certified public accountant of its books, accounts, and records, with respect to its
3 receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters
4 relating to its financial operations, including those of the Operating Loan Fund, the Land
5 Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing
6 such audit shall furnish copies of the audit report to the commissioner of finance and
7 administration, where they shall be placed on file and made available for inspection by the general
8 public. The person performing such audit shall also furnish copies of the audit report to the
9 Speaker of the House of Delegates, the President of the Senate, and the majority and minority

10 leaders of both houses. The plan shall be transmitted to the Speaker of the House of Delegates,
11 the President of the Senate, and the majority and minority leaders of both houses electronically.
12 Further, the report shall be provided to the legislative librarian to be posted to the legislative
13 website. No hard copy of the report shall be issued; however, a hard copy may be requested and
14 provided upon request.

15 In addition to the foregoing annual audit report, the Housing Development Fund shall also
16 render every six months to the Joint Committee on Government and Finance a report setting forth
17 in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such
18 fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and
19 the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall
20 also submit to the Joint Committee on Government and Finance or the Legislative Auditor any
21 other information requested by such committee or the Legislative Auditor. The report shall be
22 available electronically only, and no hard copy of the report shall be issued; however, a hard copy
23 may be requested and provided upon request.

CHAPTER 33. INSURANCE.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-35. Rural health maintenance organizations.

1 [Repealed.]

NOTE: The purpose of this bill is to make electronic certain agency reports rather than in hard copy form or eliminating the reporting requirement for those agencies altogether.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.