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March 4, 2023
FIFTY-THIRD DAY

Saturday, March 4, 2023

FIFTY-THIRD 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 Friday, March 3, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Householder announced that Com. Sub. for S. B. 268, H. B. 2024, Com. Sub. for S. B. 423 had been placed at the top of the calendar and S. B. 597, Second Reading, Special Calendar, had been transferred to the House Calendar.

Delegate Householder asked and obtained unanimous consent to proceed to the Twelfth Order of business to consider bills on Third Reading.

Special Calendar

Third Reading

Com. Sub. for S. B. 268, Relating to PEIA; on third reading, with the right to amend, was reported by the Clerk.

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

“ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES’ INSURANCE ACT.

§5-16-2. Definitions.

The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, have the following meanings:

(4) ‘Agency’ or ‘PEIA’ means the Public Employees Insurance Agency created by this article.

‘Applied behavior analysis’ means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences in order to produce socially significant improvement in human behavior and includes the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

‘Autism spectrum disorder’ means any pervasive developmental disorder, including autistic disorder, Asperger’s syndrome, Rett syndrome, childhood disintegrative disorder, or Pervasive

Development Disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

'Certified behavior analyst' means an individual who is certified by the Behavior Analyst Certification Board or certified by a similar nationally recognized organization.

'Dependent' includes an eligible employee's child under the age of 26 as defined in the Patient Protection and Affordable Care Act.

(2) 'Director' means the Director of the Public Employees Insurance Agency created by this article.

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

(3) 'Employee' means any person, including an elected officer, who works regularly full-time in the service of the State of West Virginia; and, for the purpose of this article only, the term 'employee' also means any person, including an elected officer, who works regularly full-time in the service of a county board of education; a public charter school established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance program; a county, city, or town in the ~~State~~ state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated, or licensed by the Secretary of the Department of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county, or municipal funds; any person who works regularly full-time in the service of the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education, or a governing board as defined in §18B-1-2 of this code; any person who works regularly full-time in the service of a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code; any person designated as a 21st Century Learner Fellow pursuant to §18A-3-11 of this code; and any person who works as a long-term substitute as defined in §18A-1-1 of this code in the service of a county board of education: *Provided*, That a long-term substitute who is continuously employed for at least 133 instructional days during an instructional term, and, until the end of that instructional term, is eligible for the benefits provided in this article until September 1 following that instructional term: *Provided, however*, That a long-term substitute employed fewer than 133 instructional days during an instructional term is eligible for the benefits provided in this article only during such time as he or she is actually employed as a long-term substitute. On and after January 1, 1994, and upon election by a county board of education to allow elected board members to participate in the Public Employees Insurance Program pursuant to this article, any person elected to a county board of education shall be considered to be an 'employee' during the term of office of the elected member. Upon election by the ~~state~~ State Board of Education to allow appointed board members to participate in the Public Employees Insurance Program pursuant to this article, any person appointed to the ~~state~~ State Board of Education is considered an 'employee' during the term of office of the appointed member: *Provided further*, That the elected member of a county board of education and the appointed member of the ~~state~~ State Board of Education shall pay the entire cost of the premium if he or she elects to be covered under this article. Any matters of doubt as to who is an employee within the meaning of this article shall be decided by the director.

On or after July 1, 1997, a person shall be considered an 'employee' if that person meets the following criteria:

(A) Participates in a job-sharing arrangement as defined in §18A-1-1 of this code;

(B) Has been designated, in writing, by all other participants in that job-sharing arrangement as the 'employee' for purposes of this section; and

(C) Works at least one-third of the time required for a full-time employee.

(4) 'Employer' means the State of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units; a county board of education; a public charter school established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance Program; a county, city, or town in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated, or licensed by the Secretary of the Department of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county, or municipal funds; a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code; and a corporation meeting the description set forth in §18B-12-3 of this code that is employing a 21st Century Learner Fellow pursuant to §18A-3-11 of this code but the corporation is not considered an employer with respect to any employee other than a 21st Century Learner Fellow. Any matters of doubt as to who is an 'employer' within the meaning of this article shall be decided by the director. The term 'employer' does not include within its meaning the National Guard.

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

(5) 'Finance board' means the Public Employees Insurance Agency finance board created by this article.

'Health care practitioner' means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

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

'Objective evidence' means standardized patient assessment instruments, outcome measurements tools, or measurable assessments of functional outcome. Use of objective measures at the beginning of treatment, during, and after treatment is recommended to quantify

progress and support justifications for continued treatment. The tools are not required but their use will enhance the justification for continued treatment.

~~(6) 'Person' means any individual, company, association, organization, corporation, or other legal entity. including, but not limited to, hospital, medical or dental service corporations; health maintenance organizations or similar organization providing prepaid health benefits; or individuals entitled to benefits under the provisions of this article~~

~~(7) 'Plan' unless the context indicates otherwise, means the medical indemnity plan, the managed care plan option, or the group life insurance plan offered by the agency. a group hospital and surgical insurance plan or plans, a group prescription drug insurance plan or plans, a group major medical insurance plan or plans, and a group life and accidental death insurance plan or plans.~~

'Prescription insulin drug' means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:

(1) Rapid-acting;

(2) Short-acting;

(3) Intermediate-acting;

(4) Long-acting;

(5) Pre-mixed insulin products;

(6) Pre-mixed insulin/GLP-1 RA products; and

(7) Concentrated human regular insulin.

'Primary coverage' means individual or group hospital and surgical insurance coverage or individual or group major medical insurance coverage or group prescription drug coverage in which the spouse or dependent is the named insured or certificate holder.

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

~~(8) 'Retired employee' means an employee of the state who retired after April 29, 1971, and an employee of the Higher Education Policy Commission, the Council for Community and Technical College Education, a state institution of higher education, or a county board of education who retires on or after April 21, 1972, and all additional eligible employees who retire on or after the effective date of this article, meet the minimum eligibility requirements for their respective state retirement system, and whose last employer immediately prior to retirement under the state retirement system is a participating employer in the state retirement system and in the Public Employees Insurance Agency: *Provided*, That for the purposes of this article, the employees who are not covered by a state retirement system, but who are covered by a state-approved or state-contracted retirement program or a system approved by the director, shall, in~~

the case of education employees, meet the minimum eligibility requirements of the State Teachers Retirement System, and in all other cases, meet the minimum eligibility requirements of the Public Employees Retirement System and may participate in the Public Employees Insurance Agency as retired employees upon terms as the director sets by rule as authorized in this article. Employers with employees who are, or who are eligible to become, retired employees under this article shall be mandatory participants in the Retiree Health Benefit Trust Fund created pursuant to §5-16D-1 *et seq.* of this code. Nonstate employers may opt out of the West Virginia other post-employment benefits plan of the Retiree Health Benefit Trust Fund and elect to not provide benefits under the Public Employees Insurance Agency to retirees of the nonstate employer, but may do so only upon the written certification, under oath, of an authorized officer of the employer that the employer has no employees who are, or who are eligible to become, retired employees and that the employer will defend and hold harmless the Public Employees Insurance Agency from any claim by one of the employer's past, present, or future employees for eligibility to participate in the Public Employees Insurance Agency as a retired employee. As a matter of law, the Public Employees Insurance Agency shall not be liable in any respect to provide plan benefits to a retired employee of a nonstate employer which has opted out of the West Virginia other post-employment benefits plan of the Retiree Health Benefit Trust Fund pursuant to this section.

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

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

§5-16-3. Composition of Public Employees Insurance Agency; ~~appointment, qualifications, compensation and duties of director of agency; employees; civil service coverage.~~

(a) The Public Employees Insurance Agency consists of the director, the finance board, the advisory board, and any employees who may be authorized by law. The director shall be appointed by the Governor, with the advice and consent of the Senate, and serves at the will and pleasure of the Governor. The director shall have at least three years' experience in health or governmental health benefit administration as his or her primary employment duty prior to appointment as director. The director shall receive actual expenses incurred in the performance of official business. The director shall employ any administrative, technical, and clerical employees required for the proper administration of the programs provided in this article. The director shall perform the duties that are required of him or her under the provisions of this article and is the Chief Administrative Officer of the Public Employees Insurance Agency. The director may employ a deputy director.

(b) Except for the director, his or her personal secretary, the deputy director, and the chief financial officer, all positions in the agency shall be included in the classified service of the civil service system pursuant to §29-6-1 *et seq.* of this code.

(c) The director is responsible for the administration and management of the Public Employees Insurance Agency as provided in this article and in connection with his or her responsibility may make all rules necessary to effectuate the provisions of this article. Nothing in §5-16-4 or §5-16-5 of this code limits the director's ability to manage on a day-to-day basis the

group insurance plans required or authorized by this article, including, but not limited to, administrative contracting, studies, analyses and audits, eligibility determinations, utilization management provisions and incentives, provider negotiations, provider contracting and payment, designation of covered and noncovered services, offering of additional coverage options or cost containment incentives, pursuit of coordination of benefits, and subrogation, or any other actions which would serve to implement the plan or plans designed by the finance board. The director is to function as a benefits management professional and should avoid political involvement in managing the affairs of the Public Employees Insurance Agency.

(d) The director may, if it is financially advantageous to the state, operate the Medicare retiree health benefit plan offered by the agency based on a plan year that runs concurrent with the calendar year. Financial plans as addressed in section five of this article shall continue to be on a fiscal-year basis.

(e) The director should make every effort to evaluate and administer programs to improve quality, improve health status of members, develop innovative payment methodologies, manage health care delivery costs, evaluate effective benefit designs, evaluate cost sharing and benefit-based programs, and adopt effective industry programs that can manage the long-term effectiveness and costs for the programs at the Public Employees Insurance Agency to include, but not be limited to:

- (1) Increasing generic fill rates;
- (2) Managing specialty pharmacy costs;
- (3) Implementing and evaluating medical home models and health care delivery;
- (4) Coordinating with providers, private insurance carriers, and, to the extent possible, Medicare to encourage the establishment of cost-effective accountable care organizations;
- (5) Exploring and developing advanced payment methodologies for care delivery such as case rates, capitation, and other potential risk-sharing models and partial risk-sharing models for accountable care organizations and ~~of~~ medical homes;
- (6) Adopting measures identified by the Centers for Medicare and Medicaid Services to reduce cost and enhance quality;
- (7) Evaluating the expenditures to reduce excessive use of emergency room visits, imaging services, and other drivers of the agency's medical rate of inflation;
- (8) Recommending cutting-edge benefit designs to the finance board to drive behavior and control costs for the plans;
- (9) Implementing programs to encourage the use of the most efficient and high-quality providers by employees and retired employees;
- (10) Identifying employees and retired employees who have multiple chronic illnesses and initiating programs to coordinate the care of these patients;
- (11) Initiating steps ~~by the agency~~ to adjust payment by the agency for the treatment of hospital-acquired infections and related events consistent with the payment policies, operational

guidelines, and implementation timetable established by the Centers of Medicare and Medicaid Services. The agency shall protect employees and retired employees from any adjustment in payment for hospital acquired infections; and

(12) Initiating steps ~~by the agency~~ to reduce the number of employees and retired employees who experience avoidable readmissions to a hospital for the same diagnosis-related group illness within 30 days of being discharged by a hospital in this state or another state consistent with the payment policies, operational guidelines, and implementation timetable established by the Centers of Medicare and Medicaid Services.

~~(f) The director shall issue an annual progress report to the Joint Committee on Government and Finance on the implementation of any reforms initiated pursuant to this section and other initiatives developed by the agency~~

§5-16-4. Public Employees Insurance Agency Finance Board ~~continued; qualifications, terms, and removal of members; quorum; compensation and expenses; termination date.~~

(a) The Public Employees Insurance Agency Finance Board is continued and consists of the Secretary of the Department of Administration or his or her designee, as a voting member, and 10 members appointed by the Governor, with the advice and consent of the Senate, for terms of four years and each may serve until his or her successor is appointed and qualified. Members may be reappointed for successive terms. No more than six members, including the Secretary of the Department of Administration, may be of the same political party. ~~Effective July 1, 2017, Members of the board shall satisfy the qualification requirements provided for by subsection (b) of this section. *Provided*, That any member serving upon the effective date of this section who does not satisfy a requirement of subsection (b) of this section may continue to serve until his or her successor has been appointed and qualified~~ The Governor shall make appointments necessary to satisfy the requirements of subsection (b) of this section to staggered terms as determined by the Governor.

(b) (1) Of the 10 members appointed by the Governor with advice and consent of the Senate:

(A) One member shall represent the interests of education employees. The member shall hold a bachelor's degree, shall have obtained teacher certification, shall be employed as a teacher for a period of at least three years prior to his or her appointment, and shall remain a teacher for the duration of his or her appointment to remain eligible to serve on the board.

(B) One member shall represent the interests of public employees. The member shall be employed to perform full- or part-time service for wages, salary, or remuneration for a public body for a period of at least three years prior to his or her appointment and shall remain an employee of a public body for the duration of his or her appointment to remain eligible to serve on the board.

(C) One member shall represent the interests of retired employees. The member shall meet the definition of retired employee as provided in §5-16-2 of this code.

(D) One member shall represent the interests of a participating political subdivision. The member shall have been employed by a political subdivision for a period of at least three years prior to his or her appointment and shall remain an employee of a political subdivision for the duration of his or her appointment to remain eligible to serve on the board. The member may not be an elected official.

(E) One member shall represent the interests of hospitals. The member shall have been employed by a hospital for a period of at least three years prior to his or her appointment and shall remain an employee of a hospital for the duration of his or her appointment to remain eligible to serve on the board.

(F) One member shall represent the interests of non-hospital health care providers. The member shall have owned his or her non-hospital health care provider business for a period of at least three years prior to his or her appointment and shall maintain ownership of his or her non-hospital health care provider business for the duration of his or her appointment to remain eligible to serve on the board.

(G) Four members shall be selected from the public at large, meeting the following requirements:

(i) One member selected from the public at large shall generally have knowledge and expertise relating to the financing, development, or management of employee benefit programs;

(ii) One member selected from the public at large shall have at least three years of experience in the insurance benefits business;

(iii) One member selected from the public at large shall be a certified public accountant with at least three years of experience with financial management and employee benefits program experience; and

(iv) One member selected from the public at large shall be a health care actuary or certified public accountant with at least three years of financial experience with the health care marketplace.

(2) No member of the board may be a registered lobbyist.

(3) All appointments shall be selected to represent the different geographical areas within the state and all members shall be residents of West Virginia. No member may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, neglect of fiduciary duty, or other specific responsibility imposed by this article or gross immorality.

(4) All members of the board shall have a fiduciary responsibility to protect plan assets for the benefit of plan participants.

(5) Beginning July 1, 2023, and every year thereafter, all board members shall complete fiduciary training and timely complete any conflict-of-interest forms required to serve as a fiduciary.

(c) The Secretary of the Department of Administration shall serve as chair of the finance board, which shall meet at times and places specified by the call of the chair or upon the written request to the chair by at least two members. The Director of the Public Employees Insurance Agency shall serve as staff to the board. Notice of each meeting shall be given in writing to each member by the director at least three days in advance of the meeting. Six members shall constitute a quorum. The board shall pay each member the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties for each day or portion of a day engaged in the discharge of official duties.

(d) Upon termination of the board and notwithstanding any provisions of this article to the contrary, the director is authorized to assess monthly employee premium contributions and to change the types and levels of costs to employees only in accordance with this subsection. Any assessments or changes in costs imposed pursuant to this subsection shall be implemented by legislative rule proposed by the director for promulgation pursuant to §29A-3-1 *et seq.* of this code. Any employee assessments or costs previously authorized by the finance board shall then remain in effect until amended by rule of the director promulgated pursuant to this subsection.

~~§5-16-5. Purpose, Powers and duties of the finance board; initial finance plan; financial plan for following year; and annual financial plans.~~

(a) ~~The purpose of the finance board created by this article~~ is to bring fiscal stability to the Public Employees Insurance Agency through development of annual financial plans and long-range plans designed to meet the agency's estimated total financial requirements, taking into account all revenues projected to be made available to the agency and apportioning necessary costs equitably among participating employers, employees, and retired employees and providers of health care services.

(b) The finance board shall retain the services of an impartial, professional actuary, with demonstrated experience in analysis of large group health insurance plans, to estimate the total financial requirements of the Public Employees Insurance Agency for each fiscal year and to review and render written professional opinions as to financial plans proposed by the finance board. The actuary shall also assist in the development of alternative financing options and perform any other services requested by the finance board or the director. All reasonable fees and expenses for actuarial services shall be paid by the Public Employees Insurance Agency. Any financial plan or modifications to a financial plan approved or proposed by the finance board ~~pursuant to this section~~ shall be submitted to and reviewed by the actuary and may not be finally approved and submitted to the Governor and to the Legislature without the actuary's written professional opinion that the plan may be reasonably expected to generate sufficient revenues to meet all estimated program and administrative costs of the agency, including incurred but unreported claims, for the fiscal year for which the plan is proposed. ~~The actuary's opinion on the financial plan for each fiscal year shall allow for no more than thirty days of accounts payable to be carried over into the next fiscal year. The actuary's opinion for any fiscal year shall not include a requirement for establishment of a reserve fund~~

(c) All financial plans ~~required by this section~~ shall establish:

(1) ~~Maximum levels of reimbursement which the Public Employees Insurance Agency makes to categories of health care providers~~ The minimum level of reimbursement at 110 percent of the Medicare amount for all providers: *Provided*, That the plan shall reimburse a West Virginia hospital that provides inpatient medical care to a beneficiary, covered by the state and non-state plans, at a minimum rate of 110 percent of the Medicare diagnosis-related group rate for the admission, or the Medicare per diem, per day rate applicable to a critical access hospital, as appropriate: *Provided, however*, That the rates established pursuant to this subdivision do not apply to any Medicare primary retiree health plan.

(2) Any necessary cost-containment measures for implementation by the director;

(3) The levels of premium costs to participating employers; and

(4) The types and levels of cost to participating employees and retired employees.

The financial plans may provide for different levels of costs based on the insureds' ability to pay. The finance board may establish different levels of costs to retired employees based upon length of employment with a participating employer, ability to pay, or other relevant factors. The financial plans may also include optional alternative benefit plans with alternative types and levels of cost. The finance board may develop policies which encourage the use of West Virginia health care providers.

In addition, the finance board may allocate a portion of the premium costs charged to participating employers to subsidize the cost of coverage for participating retired employees, on such terms as the finance board determines are equitable and financially responsible.

(d)(1) The finance board shall prepare an annual financial plan for each fiscal year. ~~during which the finance board remains in existence~~ The finance board chairman shall request the actuary to estimate the total financial requirements of the Public Employees Insurance Agency for the fiscal year.

(2) The finance board shall prepare a proposed financial plan designed to generate revenues sufficient to meet all estimated program and administrative costs of the Public Employees Insurance Agency for the fiscal year. The proposed financial plan shall allow for no more than 30 days of accounts payable to be carried over into the next fiscal year. Before final adoption of the proposed financial plan, the finance board shall request the actuary to review the plan and to render a written professional opinion stating whether the plan will generate sufficient revenues to meet all estimated program and administrative costs of the Public Employees Insurance Agency for the fiscal year. The actuary's report shall explain the basis of its opinion. If the actuary concludes that the proposed financial plan will not generate sufficient revenues to meet all anticipated costs, then the finance board shall make necessary modifications to the proposed plan to ensure that all actuarially determined financial requirements of the agency will be met.

(3) Upon obtaining the actuary's opinion, the finance board shall conduct ~~one or more~~ at least two public hearings in each congressional district to receive public comment on the proposed financial plan, shall review the comments, and shall finalize and approve the financial plan.

(4) ~~Any financial plan shall be designed to allow thirty days or less of accounts payable to be carried over into the next fiscal year.~~ For each fiscal year, the Governor shall provide his or her estimate of total revenues to the finance board no later than October 15 of the preceding fiscal year: *Provided*, That for the prospective financial plans required by this section, the Governor shall estimate the revenues available for each fiscal year of the plans based on the estimated percentage of growth in general fund revenues; *Provided, however*, That the director and finance board may only use revenue estimates from the Governor as necessary to maintain an actuarially recommended reserve fund and to maintain premium cost-sharing percentages as required in this article: *Provided further*, That the director and finance board may not incorporate revenue sources into the finance board plan beyond the premium cost-sharing percentages as required in this article. The director shall provide the number of covered lives for the current fiscal year and a five-year analysis of the costs for covering paid claims to the finance board no later than October 15 of the preceding year. The finance board shall submit its final approved financial plan after obtaining the necessary actuary's opinion, which opinion shall include, but not be limited to, the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, at a level of 80 percent for the employer and 20 percent for employees, and conducting one or more public hearings in each congressional district to the Governor and to the Legislature no later than January 1 preceding the fiscal year. The financial plan for a fiscal year becomes effective and shall be implemented by

the director on July 1 of the fiscal year. In addition to each final approved financial plan required under this section, the finance board shall also simultaneously submit financial statements based on generally accepted accounting practices (GAAP) and the final approved plan restated on an accrual basis of accounting, which shall include allowances for incurred but not reported claims. ~~Provided, however, That~~ The financial statements and the accrual-based financial plan restatement shall not affect the approved financial plan.

(e) The provisions of §29A-1-1 *et seq.* of this code shall not apply to the preparation, approval and implementation of the financial plans required by this section.

(f) By January 1 of each year, the finance board shall submit to the Governor and the Legislature a prospective financial plan for a period not to exceed five years for the programs provided in this article. Factors ~~that~~ the board shall consider include, but are not limited to, the trends for the program and the industry; the medical rate of inflation; utilization patterns; cost of services; and specific information such as average age of employee population, active to retiree ratios, the service delivery system, and health status of the population.

(g) The prospective financial plans shall be based on the estimated revenues submitted in accordance §5-16-5(d)(4) of this code and shall include an average of the projected cost-sharing percentages of premiums and an average of the projected deductibles and copays for the various programs. ~~Beginning in the plan year which commences on July 1, 2002, and in each plan year thereafter, until and including the plan year which commences on July 1, 2006, the prospective plans shall include incremental adjustments toward the ultimate level required in this subsection, in the aggregate cost sharing percentages of premium between employers and employees, including the amounts of any subsidization of retired employee benefits. Effective in the plan year commencing on July 1, 2006, and in~~ Each plan year, ~~thereafter~~ the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, shall be at a level of 80 percent for the employer and 20 percent for employees, except for the employers provided in §5-16-18(d) of this code whose premium cost-sharing percentages shall be governed by that subsection. After the submission of the initial prospective plan, the board may not increase costs to the participating employers or change the average of the premiums, deductibles, and copays for employees, except in the event of a true emergency. ~~as provided in this section: Provided, That~~ If the board invokes the emergency provisions, the cost shall be borne between the employers and employees in proportion to the cost-sharing ratio for that plan year. ~~Provided, however, That~~ For purposes of this section, 'emergency' means that the most recent projections demonstrate that plan expenses will exceed plan revenues by more than one percent in any plan year. ~~Provided further, That~~ The aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, may be offset, in part, by a legislative appropriation for that purpose.

(h) The finance board shall meet on at least a quarterly basis to review implementation of its current financial plan in light of the actual experience of the Public Employees Insurance Agency. The board shall review actual costs incurred, any revised cost estimates provided by the actuary, expenditures, and any other factors affecting the fiscal stability of the plan, and may make any additional modifications to the plan necessary to ensure that the total financial requirements of the agency for the current fiscal year are met. The finance board may not increase the types and levels of cost to employees during its quarterly review except in the event of a true emergency.

(i) For any fiscal year in which legislative appropriations differ from the Governor's estimate of general and special revenues available to the agency, the finance board shall, within 30 days

after passage of the budget bill, make any modifications to the plan necessary to ensure that the total financial requirements of the agency for the current fiscal year are met.

(j) In the event the revenues in a given year exceed the expenses, the amount of revenues in excess of the expenses shall be retained by the Public Employees Insurance Agency to offset future premium increases.

§5-16-5b. Creation of trust for retirees hired on or after July 1, 2010.

[Repealed.]

~~§5-16-7. Authorization to establish group hospital and surgical insurance plan, group major medical insurance plan, group drug prescription plans, and group life and accidental death insurance plan; rules for administration of plans; mandated benefits; optional plans; separate rating for claims experience purposes.~~

~~(a) The agency shall establish a group hospital and surgical insurance plan or plans, a group prescription drug insurance plan or plans, a group major medical insurance plan or plans, and a group life and accidental death insurance plan or plans for those employees herein made eligible and establish and promulgate rules for the administration of these plans subject to the limitations contained in this article. These plans shall include:~~

~~(1) Coverages and benefits for x-ray and laboratory services in connection with mammograms when medically appropriate and consistent with current guidelines from the United States Preventive Services Task Force; pap smears, either conventional or liquid-based cytology, whichever is medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists; and a test for the human papilloma virus when medically appropriate and consistent with current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists, when performed for cancer screening or diagnostic services on a woman age 18 or over;~~

~~(2) Annual checkups for prostate cancer in men age 50 and over;~~

~~(3) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing, and serum creatinine testing as recommended by the National Kidney Foundation;~~

~~(4) For plans that include maternity benefits, coverage for inpatient care in a duly licensed health care facility for a mother and her newly born infant for the length of time which the attending physician considers medically necessary for the mother or her newly born child. No plan may deny payment for a mother or her newborn child prior to 48 hours following a vaginal delivery or prior to 96 hours following a caesarean section delivery if the attending physician considers discharge medically inappropriate;~~

~~(5) For plans which provide coverages for post-delivery care to a mother and her newly born child in the home, coverage for inpatient care following childbirth as provided in subdivision (4) of this subsection if inpatient care is determined to be medically necessary by the attending physician. These plans may include, among other things, medicines, medical equipment, prosthetic appliances, and any other inpatient and outpatient services and expenses considered appropriate and desirable by the agency; and~~

(6) Coverage for treatment of serious mental illness:

(A) The coverage does not include custodial care, residential care, or schooling. For purposes of this section, 'serious mental illness' means an illness included in the American Psychiatric Association's diagnostic and statistical manual of mental disorders, as periodically revised, under the diagnostic categories or subclassifications of:

(i) Schizophrenia and other psychotic disorders;

(ii) Bipolar disorders;

(iii) Depressive disorders;

(iv) Substance-related disorders with the exception of caffeine-related disorders and nicotine-related disorders;

(v) Anxiety disorders; and

(vi) Anorexia and bulimia.

With regard to a covered individual who has not yet attained the age of 19 years, 'serious mental illness' also includes attention deficit hyperactivity disorder, separation anxiety disorder, and conduct disorder.

(B) The agency shall not discriminate between medical-surgical benefits and mental health benefits in the administration of its plan. With regard to both medical-surgical and mental health benefits, it may make determinations of medical necessity and appropriateness and it may use recognized health care quality and cost management tools including, but not limited to, limitations on inpatient and outpatient benefits, utilization review, implementation of cost-containment measures, preauthorization for certain treatments, setting coverage levels, setting maximum number of visits within certain time periods, using capitated benefit arrangements, using fee-for-service arrangements, using third-party administrators, using provider networks, and using patient cost sharing in the form of copayments, deductibles, and coinsurance. Additionally, the agency shall comply with the financial requirements and quantitative treatment limitations specified in 45 CFR 146.136(c)(2) and (c)(3), or any successor regulation. The agency may not apply any nonquantitative treatment limitations to benefits for behavioral health, mental health, and substance use disorders that are not applied to medical and surgical benefits within the same classification of benefits: *Provided*, That any service, even if it is related to the behavioral health, mental health, or substance use diagnosis if medical in nature, shall be reviewed as a medical claim and undergo all utilization review as applicable;

(7) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed health care individuals in conjunction with dental care if the covered person is:

(A) Seven years of age or younger or is developmentally disabled and is an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia.

(B) A child who is 12 years of age or younger with documented phobias or with documented mental illness and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth, or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.

(8) (A) ~~Any plan issued or renewed on or after January 1, 2012, shall include coverage for All plans shall include coverage for~~ diagnosis, evaluation, and treatment of autism spectrum disorder in individuals ages 18 months to 18 years. To be eligible for coverage and benefits under this subdivision, the individual must be diagnosed with autism spectrum disorder at age eight or younger. Such plan shall provide coverage for treatments that are medically necessary and ordered or prescribed by a licensed physician or licensed psychologist and in accordance with a treatment plan developed from a comprehensive evaluation by a certified behavior analyst for an individual diagnosed with autism spectrum disorder.

(B) The coverage shall include, but not be limited to, applied behavior analysis which shall be provided or supervised by a certified behavior analyst. ~~The annual maximum benefit for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$30,000 per individual for three consecutive years from the date treatment commences. At the conclusion of the third year, coverage for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$2,000 per month, until the individual reaches 18 years of age, as long as the treatment is medically necessary and in accordance with a treatment plan developed by a certified behavior analyst pursuant to a comprehensive evaluation or reevaluation of the individual~~ This subdivision does not limit, replace, or affect any obligation to provide services to an individual under the Individuals with Disabilities Education Act, 20 U. S. C. §1400 *et seq.*, as amended from time to time, or other publicly funded programs. Nothing in this subdivision requires reimbursement for services provided by public school personnel.

(C) The certified behavior analyst shall file progress reports with the agency semiannually. In order for treatment to continue, the agency must receive objective evidence or a clinically supportable statement of expectation that:

(i) The individual's condition is improving in response to treatment;

(ii) A maximum improvement is yet to be attained; and

(iii) There is an expectation that the anticipated improvement is attainable in a reasonable and generally predictable period of time.

(D) ~~On or before January 1 each year, the agency shall file an annual report with the Joint Committee on Government and Finance describing its implementation of the coverage provided pursuant to this subdivision. The report shall include, but not be limited to, the number of individuals in the plan utilizing the coverage required by this subdivision, the fiscal and administrative impact of the implementation and any recommendations the agency may have as to changes in law or policy related to the coverage provided under this subdivision. In addition, the agency shall provide such other information as required by the Joint Committee on Government and Finance as it may request.~~

(E) For purposes of this subdivision, the term:

~~(i) 'Applied behavior analysis' means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences in order to produce socially significant improvement in human behavior and includes the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.~~

~~(ii) 'Autism spectrum disorder' means any pervasive developmental disorder including autistic disorder, Asperger's syndrome, Rett syndrome, childhood disintegrative disorder, or Pervasive Development Disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.~~

~~(iii) 'Certified behavior analyst' means an individual who is certified by the Behavior Analyst Certification Board or certified by a similar nationally recognized organization.~~

~~(iv) 'Objective evidence' means standardized patient assessment instruments, outcome measurements tools, or measurable assessments of functional outcome. Use of objective measures at the beginning of treatment, during, and after treatment is recommended to quantify progress and support justifications for continued treatment. The tools are not required but their use will enhance the justification for continued treatment~~

~~(F)-(D)~~ To the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of insurance plans offered by the Public Employees Insurance Agency.

(9) For plans that include maternity benefits, coverage for the same maternity benefits for all individuals participating in or receiving coverage under plans that are issued or renewed on or after January 1, 2014: *Provided*, That to the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of a health benefit plan when the plan is offered in this state.

~~(10) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide Coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein-allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder by a physician licensed to practice in this state pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code:~~

~~(i) Immunoglobulin E and nonimmunoglobulin E-medicated allergies to multiple food proteins;~~

~~(ii) Severe food protein-induced enterocolitis syndrome;~~

~~(iii) Eosinophilic disorders as evidenced by the results of a biopsy; and~~

~~(iv) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).~~

(B) The coverage required by paragraph (A) of this subdivision shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.

(C) For purposes of this subdivision, 'medically necessary foods' or 'medical foods' shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.

(D) The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.

(11) The cost for coverage of children's immunization services from birth through age 16 years to provide immunization against the following illnesses: Diphtheria, polio, mumps, measles, rubella, tetanus, hepatitis-b, hemophilia influenzae-b, and whooping cough. Additional immunizations may be required by the Commissioner of the Bureau for Public Health for public health purposes. Any contract entered into to cover these services shall require that all costs associated with immunization, including the cost of the vaccine, if incurred by the health care provider, and all costs of vaccine administration be exempt from any deductible, per visit charge, and copayment provisions which may be in force in these policies or contracts. This section does not require that other health care services provided at the time of immunization be exempt from any deductible or copayment provisions.

(12) The provision requiring coverage for 12-month refill for contraceptive drugs codified at §33-58-1 of this code.

(13) The group life and accidental death insurance herein provided shall be in the amount of \$10,000 for every employee.

(b) The agency shall ~~with full authorization~~ make available to each eligible employee, at full cost to the employee, the opportunity to purchase optional group life and accidental death insurance as established under the rules of the agency. In addition, each employee is entitled to have his or her spouse and dependents, as defined by the rules of the agency, included in the optional coverage, at full cost to the employee, for each eligible dependent.

(c) The finance board may cause to be separately rated for claims experience purposes:

(1) All employees of the State of West Virginia;

(2) All teaching and professional employees of state public institutions of higher education and county boards of education;

(3) All nonteaching employees of the Higher Education Policy Commission, West Virginia Council for Community and Technical College Education, and county boards of education; or

(4) Any other categorization which would ensure the stability of the overall program.

(d) The agency shall maintain the medical and prescription drug coverage for Medicare-eligible retirees by providing coverage through one of the existing plans or by enrolling the Medicare-eligible retired employees into a Medicare-specific plan, including, but not limited to, the Medicare/Advantage Prescription Drug Plan. If a Medicare-specific plan is no longer available or

advantageous for the agency and the retirees, the retirees remain eligible for coverage through the agency.

(e) The agency shall establish procedures to authorize treatment with a nonparticipating provider if a covered service is not available within established time and distance standards and within a reasonable period after service is requested, and with the same coinsurance, deductible, or copayment requirements as would apply if the service were provided at a participating provider, and at no greater cost to the covered person than if the services were obtained at or from a participating provider.

(f) If the Public Employees Insurance Agency offers a plan that does not cover services provided by an out-of-network provider, it may provide the benefits required in paragraph (A), subdivision (6), subsection (a) of this section if the services are rendered by a provider who is designated by and affiliated with the Public Employees Insurance Agency, and only if the same requirements apply for services for a physical illness.

(g) In the event of a concurrent review for a claim for coverage of services for the prevention of, screening for, and treatment of behavioral health, mental health, and substance use disorders, the service continues to be a covered service until the Public Employees Insurance Agency notifies the covered person of the determination of the claim.

(h) Unless denied for nonpayment of premium, a denial of reimbursement for services for the prevention of, screening for, or treatment of behavioral health, mental health, and substance use disorders by the Public Employees Insurance Agency shall include the following language:

(1) A statement explaining that covered persons are protected under this section, which provides that limitations placed on the access to mental health and substance use disorder benefits may be no greater than any limitations placed on access to medical and surgical benefits;

(2) A statement providing information about the internal appeals process if the covered person believes his or her rights under this section have been violated; and

(3) A statement specifying that covered persons are entitled, upon request to the Public Employees Insurance Agency, to a copy of the medical necessity criteria for any behavioral health, mental health, and substance use disorder benefit.

(i) On or after June 1, 2021, and annually thereafter, the Public Employees Insurance Agency shall submit a written report to the Joint Committee on Government and Finance that contains the following information regarding plans offered pursuant to this section:

(1) Data that demonstrates parity compliance for adverse determination regarding claims for behavioral health, mental health, or substance use disorder services and includes the total number of adverse determinations for such claims;

(2) A description of the process used to develop and select:

(A) The medical necessity criteria used in determining benefits for behavioral health, mental health, and substance use disorders; and

(B) The medical necessity criteria used in determining medical and surgical benefits;

(3) Identification of all nonquantitative treatment limitations that are applied to benefits for behavioral health, mental health, and substance use disorders and to medical and surgical benefits within each classification of benefits; ~~and~~

(4) The results of analyses demonstrating that, for medical necessity criteria described in subdivision (2) of this subsection and for each nonquantitative treatment limitation identified in subdivision (3) of this subsection, as written and in operation, the processes, strategies, evidentiary standards, or other factors used in applying the medical necessity criteria and each nonquantitative treatment limitation to benefits for behavioral health, mental health, and substance use disorders within each classification of benefits are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the medical necessity criteria and each nonquantitative treatment limitation to medical and surgical benefits within the corresponding classification of benefits;

(5) The Public Employees Insurance Agency's report of the analyses regarding nonquantitative treatment limitations shall include at a minimum:

(A) Identify factors used to determine whether a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected;

(B) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied on in designing each nonquantitative treatment limitation;

(C) Provide the comparative analyses, including the results of the analyses, performed to determine that the processes and strategies used to design each nonquantitative treatment limitation, as written, and the written processes and strategies used to apply each nonquantitative treatment limitation for benefits for behavioral health, mental health, and substance use disorders are comparable to, and are applied no more stringently than, the processes and strategies used to design and apply each nonquantitative treatment limitation, as written, and the written processes and strategies used to apply each nonquantitative treatment limitation for medical and surgical benefits;

(D) Provide the comparative analysis, including the results of the analyses, performed to determine that the processes and strategies used to apply each nonquantitative treatment limitation, in operation, for benefits for behavioral health, mental health, and substance use disorders are comparable to, and are applied no more stringently than, the processes and strategies used to apply each nonquantitative treatment limitation, in operation, for medical and surgical benefits; and

(E) Disclose the specific findings and conclusions reached by the Public Employees Insurance Agency that the results of the analyses indicate that each health benefit plan offered by the Public Employees Insurance Agency complies with paragraph (B), subdivision (6), subsection (a) of this section; and

(6) After the initial report required by this subsection, annual reports are only required for any year thereafter during which the Public Employees Insurance Agency makes significant changes to how it designs and applies medical management protocols.

(j) The Public Employees Insurance Agency shall update its annual plan document to reflect its comprehensive parity compliance. An annual report shall also be filed with the Joint Committee on Government and Finance and the Public Employees Insurance Agency Finance Board.

~~(k) This section is effective for policies, contracts, plans or agreements, beginning on or after January 1, 2021. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.~~

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

(a) The following terms are defined:

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

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

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

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

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

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

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

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

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

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

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

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

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

§5-16-7c. Required coverage for reconstruction surgery following mastectomies.

(a) The plan shall provide, in a case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage for:

- (1) All stages of reconstruction of the breast on which the mastectomy has been performed;
- (2) Surgery and reconstruction of the other breast to produce a symmetrical appearance; and

(3) Prosthesis and physical complications of mastectomy, including lymphedemas in a manner determined in consultation with the attending physician and the patient. Coverage shall be provided for a minimum stay in the hospital of not less than 48 hours for a patient following a radical or modified mastectomy and not less than 24 hours of inpatient care following a total mastectomy or partial mastectomy with lymph node dissection for the treatment of breast cancer. Nothing in this section shall be construed as requiring inpatient coverage where inpatient coverage is not medically necessary or where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter in the summary plan description or similar document.

(b) The plan may not:

- (1) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; and

(2) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide incentives (monetary or otherwise) to an attending provider, to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section.

~~(c) Nothing in this section shall be construed to prevent a health benefit plan policy or a health insurer offering health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.~~

~~(d) The provisions of this section shall be included under any policy, contract or plan delivered after July 1, 2002~~

§5-16-7g. Coverage for prescription insulin drugs.

~~(a) A policy plan, or contract that is issued or renewed on or after July 1, 2020 shall provide coverage for prescription insulin drugs pursuant to this section.~~

~~(b) For the purposes of this subdivision, 'prescription insulin drug' means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:~~

~~(1) Rapid-acting;~~

~~(2) Short-acting;~~

~~(3) Intermediate-acting;~~

~~(4) Long-acting;~~

~~(5) Pre-mixed insulin products;~~

~~(6) Pre-mixed insulin/GLP-1 RA products; and~~

~~(7) Concentrated human regular insulin~~

~~(c) (b) Cost sharing for a 30-day supply of a covered prescription insulin drug shall not exceed \$100 for a 30-day supply of a covered prescription insulin, regardless of the quantity or type of prescription insulin used to fill the covered person's prescription needs.~~

~~(d) (c) Nothing in this section prevents the agency from reducing a covered person's cost sharing by an amount greater than the amount specified in this subsection.~~

~~(e) (d) No contract between the agency or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision: (i) Authorizing the agency's pharmacy benefits manager or the pharmacy to charge; (ii) requiring the pharmacy to collect; or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the agency as provided in subsection (c) of this section.~~

~~(f) (e) The agency shall provide coverage for the following equipment and supplies for the treatment or management of diabetes for both insulin-dependent and noninsulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose monitors, monitor~~

supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

(g) (f) The agency shall provide coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets. Coverage for self-management education and education relating to diet shall be provided by a health care practitioner who has been appropriately trained as provided in §33-53-1(k) of this code.

(h) (g) The education may be provided by a health care practitioner as part of an office visit for diabetes diagnosis or treatment, or by a licensed pharmacist for instructing and monitoring a patient regarding the proper use of covered equipment, supplies, and medications, or by a certified diabetes educator or registered dietitian.

(i) (h) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and shall not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.

§5-16-8. Conditions of insurance program.

The insurance plans provided for in this article shall be designed by the Public Employees Insurance Agency:

(1) To provide a reasonable relationship between the hospital, surgical, medical, and prescription drug benefits to be included and the expected reasonable and customary hospital, surgical, medical, and prescription drug expenses as established by the director to be incurred by the affected employee, his or her spouse, and his or her dependents. The establishment of reasonable and customary expenses by the Public Employees Insurance Agency pursuant to the preceding sentence is not subject to ~~the state administrative procedures act in~~ chapter §29A-1-1 *et seq.* of this code;

(2) To include reasonable controls which may include deductible and coinsurance provisions applicable to some or all of the benefits, and shall include other provisions, including, but not limited to, copayments, preadmission certification, case management programs, and preferred provider arrangements;

(3) To prevent unnecessary utilization of the various hospital, surgical, medical, and prescription drug services available;

(4) To provide reasonable assurance of stability in future years for the plans;

(5) To provide major medical insurance for the employees covered under this article;

(6) To provide certain group life and accidental death insurance for the employees covered under this article;

(7) To include provisions for the coordination of benefits payable by the terms of the plans with the benefits to which the employee, or his or her spouse, or his or her dependents may be entitled by the provisions of any other group hospital, surgical, medical, major medical, or prescription drug insurance, or any combination thereof;

(8) To provide a cash incentive plan for employees, spouses, and dependents to increase utilization of, and to encourage the use of, lower cost alternative health care facilities, health care providers, and generic drugs. The plan shall be reviewed annually by the director and the advisory board;

(9) To provide health and wellness programs and resources impacting various components of health and wellness. PEIA may explore, review, evaluate, and offer a variety of health and wellness programming and resources to meet the needs of its members. These programs are voluntary for participants and are separate and distinct from any medical benefit and activities which will include, but not be limited to, benefit plan incentives to discourage tobacco, alcohol and chemical abuse and an educational program to encourage proper diet and exercise. In establishing 'wellness' programs, the division of vocational rehabilitation shall cooperate with the Public Employees Insurance Agency in establishing statewide wellness programs. The director of the Public Employees Insurance Agency shall contract with county boards of education for the use of facilities, equipment or any service related to that purpose. Boards of education may charge only the cost of janitorial service and increased utilities for the use of the gymnasium and related equipment. The cost of the exercise program shall be paid by county boards of education, the Public Employees Insurance Agency, or participating employees, their spouses or dependents. All exercise programs shall be made available to all employees, their spouses or dependents and shall not be limited to employees of county boards of education;

(10) To provide a program, to be administered by the director, for a patient audit plan with reimbursement up to a maximum of \$1,000 annually to employees for discovery of health care provider or hospital overcharges when the affected employee brings the overcharge to the attention of the plan. The hospital or health care provider shall certify to the director that it has provided, prior to or simultaneously with the submission of the statement of charges for payments, an itemized statement of the charges to the employee participant for which payment is requested of the plan;

(11) To require that all employers give written notice to each covered employee prior to institution of any changes in benefits to employees, and to include appropriate penalty for any employer not providing the required information to any employee; and

(12)(a) (A) To provide coverage for emergency services under offered plans. ~~For the purposes of this subsection, 'emergency services' means services provided in or by a hospital emergency facility, an ambulance providing related services under the provisions of §16-4C-1 et seq. of this code, or the private office of a dentist to evaluate and treat a medical condition manifesting itself by the sudden, and at the time, unexpected onset of symptoms that require immediate medical attention and for which failure to provide medical attention would result in serious impairment to bodily function, serious dysfunction to any bodily organ or part, or would place the person's health in jeopardy.~~

~~(b) (B) From July 1, 1998, Plans shall provide coverage for emergency services, including any pre-hospital services, to the extent necessary to screen and stabilize the covered person. The plans shall reimburse, less any applicable copayments, deductibles, or coinsurance for emergency services rendered and related to the condition for which the covered person presented. Prior authorization of coverage shall not be required for the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. In the event that prior authorization was obtained, the authorization may not be retracted after the services have been provided except when the authorization was based~~

on a material misrepresentation about the medical condition by the provider of the services or the insured person. The provider of the emergency services and the plan representative shall make a good faith effort to communicate with each other in a timely fashion to expedite post_evaluation or post_stabilization services. Payment of claims for emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(C) For purposes of this subdivision:

(A) 'Emergency services' means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including pre-hospital care;

(B) 'Prudent layperson' means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(C) 'Emergency medical condition for the prudent layperson' means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part;

(D) 'Stabilize' means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise delay the transportation required for a higher level of care than that possible at the treating facility;

(E) 'Medical screening examination' means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(F) 'Emergency medical condition' means a condition that manifests itself by acute symptoms of sufficient severity including severe pain such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions, or serious dysfunction of any bodily part or organ.

§5-16-9. Authorization to execute contracts. ~~for group hospital and surgical insurance, group major medical insurance, group prescription drug insurance, group life and accidental death insurance, and other accidental death insurance; mandated benefits; limitations; awarding of contracts; reinsurance; certificates for covered employees; discontinuance of contracts~~

(a) The director is given exclusive authorization to execute such contract or contracts as are necessary to carry out the provisions of this article. ~~and to provide the plan or plans of group hospital and surgical insurance coverage, group major medical insurance coverage, group prescription drug insurance coverage, and group life and accidental death insurance coverage selected in accordance with the provisions of this article, such contract or contracts to be executed with one or more agencies, corporations, insurance companies, or service organizations licensed~~

to sell group hospital and surgical insurance, group major medical insurance, group prescription drug insurance and group life and accidental death insurance in this state.

~~(b) The group hospital or surgical insurance coverage and group major medical insurance coverage herein provided shall include coverages and benefits for x-ray and laboratory services in connection with mammogram and pap smears when performed for cancer screening or diagnostic services and annual checkups for prostate cancer in men age 50 and over. Such benefits shall include, but not be limited to, the following:~~

~~(1) Mammograms when medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force;~~

~~(2) A pap smear, either conventional or liquid-based cytology, whichever is medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists, for women age 18 and over;~~

~~(3) A test for the human papilloma virus (HPV) for women age 18 or over, when medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists for women age 18 and over;~~

~~(4) A checkup for prostate cancer annually for men age 50 or over; and~~

~~(5) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing, and serum creatinine testing as recommended by the National Kidney Foundation.~~

~~(6) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed healthcare individuals in conjunction with dental care if the covered person is:~~

~~(A) Seven years of age or younger or is developmentally disabled and is either an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia; or~~

~~(B) A child who is 12 years of age or younger with documented phobias, or with documented mental illness, and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.~~

~~(7) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein-allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder~~

by a physician licensed to practice in this state pursuant to either ~~§30-3-1 et seq. or §30-14-1 et seq.~~ of this code:

(i) ~~Immunoglobulin E and Nonimmunoglobulin E medicated allergies to multiple food proteins;~~

(ii) ~~Severe food protein-induced enterocolitis syndrome;~~

(iii) ~~Eosinophilic disorders as evidenced by the results of a biopsy; and~~

(iv) ~~Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).~~

(B) ~~The coverage required by §5-16-9(b)(7)(A) of this code shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.~~

(C) ~~For purposes of this subdivision, 'medically necessary foods' or 'medical foods' shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.~~

(D) ~~The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.~~

(c) ~~The group life and accidental death insurance herein provided shall be in the amount of \$10,000 for every employee. The amount of the group life and accidental death insurance to which an employee would otherwise be entitled shall be reduced to \$5,000 upon such employee attaining age 65.~~

(d) ~~All of the insurance coverage to be provided for under this article may be included in one or more similar contracts issued by the same or different carriers~~

(e) ~~(b)~~ The provisions of §5A-3-1 *et seq.* of this code, relating to the Division of Purchasing of the Department of Finance and Administration, shall not apply to any contracts for any insurance coverage or professional services authorized to be executed under the provisions of this article. Before entering into any contract for any insurance coverage, as authorized in this article, the director shall invite competent bids from all qualified and licensed insurance companies or carriers, ~~who that~~ may wish to offer plans for the insurance coverage desired. *Provided*, That The director shall negotiate and contract directly with health care providers and other entities, organizations, and vendors in order to secure competitive premiums, prices, and other financial advantages. The director shall deal directly with insurers or health care providers and other entities, organizations, and vendors in presenting specifications and receiving quotations for bid purposes. No commission or finder's fee, or any combination thereof, shall be paid to any individual or agent; ~~but: *Provided*, That~~ this shall not preclude an underwriting insurance company or companies, at their own expense, from appointing a licensed resident agent within this state to service the companies' contracts awarded under the provisions of this article. Commissions reasonably related to actual service rendered for the agent or agents may be paid by the underwriting company or companies. *Provided, however*, That In no event shall payment be made to any agent or agents when no actual services are rendered or performed. The director shall award the contract or contracts on a competitive basis. In awarding the contract or contracts the director shall take into account the experience of the offering agency, corporation, insurance

company, or service organization in the group hospital and surgical insurance field, group major medical insurance field, group prescription drug field, and group life and accidental death insurance field, and its facilities for the handling of claims. In evaluating these factors, the director may employ the services of impartial, professional insurance analysts or actuaries, or both. Any contract executed by the director with a selected carrier shall be a contract to govern all eligible employees subject to the provisions of this article. Nothing contained in this article shall prohibit any insurance carrier from soliciting employees covered hereunder to purchase additional hospital and surgical, major medical, or life and accidental death insurance coverage.

~~(f)~~ (c) The director may authorize the carrier with whom a primary contract is executed to reinsure portions of the contract with other carriers which elect to be a reinsurer and who are legally qualified to enter into a reinsurance agreement under the laws of this state.

~~(g)~~ (d) Each employee who is covered under any contract or contracts shall receive a statement of benefits to which the employee, his or her spouse, and his or her dependents are entitled under the contract, setting forth the information as to whom the benefits are payable, to whom claims shall be submitted, and a summary of the provisions of the contract or contracts as they affect the employee, his or her spouse, and his or her dependents.

~~(h)~~ (e) The director may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace the same with a contract or contracts with any other carrier or carriers meeting the requirements of this article.

~~(i) The director shall provide by contract or contracts entered into under the provisions of this article the cost for coverage of children's immunization services from birth through age 16 years to provide immunization against the following illnesses: Diphtheria, polio, mumps, measles, rubella, tetanus, hepatitis b, hemophilia influenzae b, and whooping cough. Additional immunizations may be required by the Commissioner of the Bureau for Public Health for public health purposes. Any contract entered into to cover these services shall require that all costs associated with immunization, including the cost of the vaccine, if incurred by the healthcare provider, and all costs of vaccine administration be exempt from any deductible, per visit charge and/or copayment provisions which may be in force in these policies or contracts. This section does not require that other healthcare services provided at the time of immunization be exempt from any deductible and/or copayment provisions~~

~~(j)~~ (f) The director shall include language in all contracts for pharmacy benefits management, as defined by §33-51-3 of this code, requiring the pharmacy benefit manager to report quarterly to the agency the following:

(1) The overall total amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter;

(2) The overall total amount of reimbursements paid to pharmacy providers during the quarter;

(3) The overall total number of claims in which the pharmacy benefits manager reimbursed a pharmacy provider for less than the amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter; and

(4) For all pharmacy claims, the total amount paid to the pharmacy provider per claim, including, but not limited to, the following:

- (A) The cost of drug reimbursement;
- (B) Dispensing fees;
- (C) Copayments; and
- (D) The amount charged to the agency for each claim by the pharmacy benefit manager.

In the event there is a difference between the amount for any pharmacy claim paid to the pharmacy provider and the amount reimbursed to the agency, the pharmacy benefit manager shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. All data and information provided by the pharmacy benefit manager shall be kept secure, and notwithstanding any other provision of this code to the contrary, the agency shall maintain the confidentiality of the proprietary information and not share or disclose the proprietary information contained in the report or data collected with persons outside the agency. All data and information provided by the pharmacy benefit manager shall be considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code. Only those agency employees involved in collecting, securing, and analyzing the data for the purpose of preparing the report provided for herein shall have access to the proprietary data. The director shall provide a quarterly report to ~~the Joint Committee on Government and Finance~~ and the Joint Committee on Health detailing the information required by this section, including any difference or spread between the overall amount paid by pharmacy benefit managers to the pharmacy providers and the overall amount charged to the agency for each claim by the pharmacy benefit manager. To the extent necessary, the director shall use aggregated, nonproprietary data only: *Provided*, That the director must provide a clear and concise summary of the total amounts charged to the agency and reimbursed to pharmacy providers on a quarterly basis.

~~(k)~~ (g) If the information required herein is not provided, the agency may terminate the contract with the pharmacy benefit manager and the Office of the Insurance Commissioner shall discipline the pharmacy benefit manager as provided in §33-51-8(e) of this code.

(h) The Public Employees Insurance Agency shall contract with networks to provide care to its members out of state.

§5-16-10. Contract provisions for group hospital and surgical, group major medical, group prescription drug and group life, and accidental death insurance for retired employees, their spouses, and dependents.

~~Any contract or contracts entered into hereunder may provide for group hospital and surgical, group major medical, group prescription drug and group life and accidental death insurance. A plan may provide benefits~~ for retired employees and their spouses and dependents as defined by rules and regulations of the Public Employees Insurance Agency, and on such terms as the director may deem appropriate.

In the event the Public Employees Insurance Agency provides the above benefits for retired employees, their spouses, and dependents, the Public Employees Insurance Agency shall adopt rules and regulations prescribing the conditions under which retired employees may elect to participate in or withdraw from the plan or plans. Any ~~contract or contracts herein~~ plan provided for shall be secondary to any ~~hospital, surgical, major medical, prescription drug or other health insurance plan administered by the United States Department of Health and Human Services to~~

which the retired employee, spouse, or dependent may be eligible under any law or regulation of the United States. If an employee eligible to participate in the Public Employees Insurance Agency plans is also eligible to participate in the state Medicaid program, and chooses to do so, then the Public Employees Insurance Agency may transfer to the Medicaid program funds to pay the required state share of such employee's participation in Medicaid except that the amount transferred may not exceed the amount that would be allocated by the agency to subsidize the cost of coverage for the retired employee if he or she were enrolled in the Public Employees Insurance Agency's plans.

§5-16-11. To whom benefits paid.

Any benefits payable under ~~any group hospital and surgical, group major medical and group prescription drug plan or plans~~ a plan may be paid either directly to the ~~attending physician medical provider,~~ hospital, medical group, or other person, firm, association, or corporation furnishing the service upon which the claim is based, or to the insured upon presentation of valid bills for such service, subject to such provisions designed to facilitate payments as may be made by the director.

§5-16-13. Payment of costs by employer and employee; spouse and dependent coverage; involuntary employee termination coverage; conversion of annual leave and sick leave authorized for health or retirement benefits; authorization for retiree participation; continuation of health insurance for surviving dependents of deceased employees; requirement of new health plan; limiting employer contribution.

(a) *Cost-sharing.* — The director shall provide ~~under any contract or contracts entered into under the provisions of this article that the costs of any group hospital and surgical insurance, group major medical insurance, group prescription drug insurance, group life and accidental death insurance benefit plan or plans~~ that shall be paid by the employer and employee.

(b) *Spouse and dependent coverage.* — ~~Each~~ (1) An employee is entitled to have his or her spouse and dependents included in any ~~group hospital and surgical insurance, group major medical insurance or group prescription drug insurance coverage~~ plan to which the employee is entitled to participate. ~~Provided, That~~

(2) The spouse and dependent coverage is limited to excess or secondary coverage for each spouse and dependent who has primary coverage from any other source. If an employee's spouse has health insurance available through an employer not defined in §5-16-2 of this code, then the employer may not cover any portion of premiums for the employee's spouse coverage, unless the employee adds his or her spouse to his or her coverage by paying the cost of the actuarial value of the plan: Provided, That this does not apply to spouses of retired employees or employers subject to §5-16-22 of this code. For purposes of this subsection, 'actuarial value' means the value as recommended by healthcare actuaries under §5-16-5 of this code.

~~For purposes of this section, the term 'primary coverage' means individual or group hospital and surgical insurance coverage or individual or group major medical insurance coverage or group prescription drug coverage in which the spouse or dependent is the named insured or certificate holder. For the purposes of this section, 'dependent' includes an eligible employee's unmarried child or stepchild under the age of 25 if that child or stepchild meets the definition of a 'qualifying child' or a 'qualifying relative' in Section 152 of the Internal Revenue Code. The director may require proof regarding spouse and dependent primary coverage and shall adopt rules~~

governing the nature, discontinuance, and resumption of any employee's coverage for his or her spouse and dependents.

(c) *Continuation after termination.* — If an employee participating in the plan is terminated from employment involuntarily or in reduction of work force, the employee's insurance coverage provided under this article shall continue for a period of three months at no additional cost to the employee and the employer shall continue to contribute the employer's share of plan premiums for the coverage. An employee discharged for misconduct shall not be eligible for extended benefits under this section. Coverage may be extended up to the maximum period of three months, while administrative remedies contesting the charge of misconduct are pursued. If the discharge for misconduct be upheld, the full cost of the extended coverage shall be reimbursed by the employee. If the employee is again employed or recalled to active employment within 12 months of his or her prior termination, he or she shall not be considered a new enrollee and may not be required to again contribute his or her share of the premium cost if he or she had already fully contributed such share during the prior period of employment.

(d) *Conversion of accrued annual and sick leave for extended insurance coverage upon retirement for employees who elected to participate in the plan before July, 1988.* - Except as otherwise provided in subsection (g) of this section, when an employee participating in the plan, who elected to participate in the plan before July 1, 1988, is compelled or required by law to retire before reaching the age of ~~sixty-five~~ 65, or when a participating employee voluntarily retires as provided by law, that employee's accrued annual leave and sick leave, if any, shall be credited toward an extension of the insurance coverage provided by this article, according to the following formulae: The insurance coverage for a retired employee shall continue one additional month for every two days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement. For a retired employee, his or her spouse and dependents, the insurance coverage shall continue one additional month for every three days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement.

(e) *Conversion of accrued annual and sick leave for extended insurance coverage upon retirement for employees who elected to participate in the plan after June, 1988.* — Notwithstanding subsection (d) of this section, and except as otherwise provided in subsections (g) and (l) of this section, when an employee participating in the plan who elected to participate in the plan on and after July 1, 1988, is compelled or required by law to retire before reaching the age of 65, or when the participating employee voluntarily retires as provided by law, that employee's annual leave or sick leave, if any, shall be credited toward one half of the premium cost of the insurance provided by this article, for periods and scope of coverage determined according to the following formulae: (1) One additional month of single retiree coverage for every two days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement; or (2) one additional month of coverage for a retiree, his or her spouse, and dependents for every three days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement. The remaining premium cost shall be borne by the retired employee if he or she elects the coverage. For purposes of this subsection, an employee who has been a participant under spouse or dependent coverage and who reenters the plan within 12 months after termination of his or her prior coverage shall be considered to have elected to participate in the plan as of the date of commencement of the prior coverage. For purposes of this subsection, an employee shall not be considered a new employee after returning from extended authorized leave on or after July 1, 1988.

~~(f) Increased retirement benefits for retired employees with accrued annual and sick leave.~~ In the alternative to the extension of insurance coverage through premium payment provided in subsections (d) and (e) of this section, the accrued annual leave and sick leave of an employee participating in the plan may be applied, on the basis of two days' retirement service credit for each one day of accrued annual and sick leave, toward an increase in the employee's retirement benefits with those days constituting additional credited service in computation of the benefits under any state retirement system: *Provided*, That for a person who first becomes a member of the Teachers Retirement System as provided in §18-7A-1 *et seq.* of this code on or after July 1, 2015, accrued annual and sick leave of an employee participating in the plan may not be applied for retirement service credit. ~~However;~~ *Provided, however, That* the additional credited service shall not be used in meeting initial eligibility for retirement criteria, but only as additional service credited in excess thereof.

(g) *Conversion of accrued annual and sick leave for extended insurance coverage upon retirement for certain higher education employees.*— Except as otherwise provided in subsection ~~(j)~~ (k) of this section, when an employee, who is a higher education full-time faculty member employed on an annual contract basis other than for 12 months, is compelled or required by law to retire before reaching the age of 65, or when such a participating employee voluntarily retires as provided by law, that employee's insurance coverage, as provided by this article, shall be extended according to the following formulae: The insurance coverage for a retired higher education full-time faculty member, formerly employed on an annual contract basis other than for 12 months, shall continue beyond the effective date of his or her retirement one additional year for each three and one-third years of teaching service, as determined by uniform guidelines established by the University of West Virginia Board of Trustees and the Board of Directors of the State College System, for individual coverage, or one additional year for each five years of teaching service for family coverage.

~~(h) Any employee who retired prior to April 21, 1972, and who also otherwise meets the conditions of the 'retired employee' definition in section two of this article, shall be eligible for insurance coverage under the same terms and provisions of this article. The retired employee's premium contribution for any such coverage shall be established by the finance board.~~

~~(i) (h) Retiree participation.~~ — All retirees under the provisions of this article, including those defined in section two of this article; those retiring prior to April 21, 1972; and those hereafter retiring All retired employees are eligible to obtain health insurance coverage. The retired employee's premium contribution for the coverage shall be established by the finance board.

~~(j) (i) Surviving spouse and dependent participation.~~ — A surviving spouse and dependents of a deceased employee, who was either an active or retired employee participating in the plan just prior to his or her death, are entitled to be included in any comprehensive group health insurance coverage provided under this article to which the deceased employee was entitled, and the spouse and dependents shall bear the premium cost of the insurance coverage. The finance board shall establish the premium cost of the coverage.

~~(k) (j) Elected officials.~~ — In construing the provisions of this section or any other provisions of this code, the Legislature declares that it is not now, nor has it ever been the Legislature's intent that elected public officials be provided any sick leave, annual leave, or personal leave, and the enactment of this section is based upon the fact and assumption that no statutory or inherent authority exists extending sick leave, annual leave, or personal leave to elected public officials, and the very nature of those positions preclude the arising or accumulation of any leave so as to

be thereafter usable as premium paying credits for which the officials may claim extended insurance benefits.

~~(j)~~ (k) *Participation of certain former employees.* — An employee, eligible for coverage under the provisions of this article who has twenty years of service with any agency or entity participating in the public employees insurance program or who has been covered by the public employees insurance program for twenty years may, upon leaving employment with a participating agency or entity, continue to be covered by the program if the employee pays one hundred five percent of the cost of retiree coverage: *Provided*, That the employee shall elect to continue coverage under this subsection within two years of the date the employment with a participating agency or entity is terminated.

~~(m)~~ (l) *Prohibition on conversion of accrued annual and sick leave for extended coverage upon retirement for new employees who elect to participate in the plan after June, 2001.* — Any employee hired on or after July 1, 2001, who elects to participate in the plan may not apply accrued annual or sick leave toward the cost of premiums for extended insurance coverage upon his or her retirement. This prohibition does not apply to the conversion of accrued annual or sick leave for increased retirement benefits, as authorized by this section: *Provided*, That any person who has participated in the plan prior to July 1, 2001, is not a new employee for purposes of this subsection if he or she becomes reemployed with an employer participating in the plan within two years following his or her separation from employment and he or she elects to participate in the plan upon his or her reemployment.

~~(n)~~ (m) *Prohibition on conversion of accrued years of teaching service for extended coverage upon retirement for new employees who elect to participate in the plan July, 2009.* — Any employee hired on or after July 1, 2009, who elects to participate in the plan may not apply accrued years of teaching service toward the cost of premiums for extended insurance coverage upon his or her retirement.

§5-16-14. Program qualifying for favorable federal income tax treatment.

The director shall develop, implement and have in place by ~~December 31, 1990~~, deductible and employee premium programs which qualify for favorable federal income tax treatment under section 125 of the Internal Revenue Code.

§5-16-15. Optional dental, optical, disability, and prepaid retirement plan, and audiology and hearing-aid service plan.

~~(a) On and after July 1, 1989~~ The director shall make available to participants in the public employees insurance system:

- (1) A dental insurance plan;
- (2) An optical insurance plan;
- (3) A disability insurance plan;
- (4) A prepaid retirement insurance plan; and
- (5) An audiology and hearing-aid services insurance plan.

(b) Public employees insurance participants may elect to participate in any one of these plans separately or in combination. All actuarial and administrative costs of each plan shall be totally borne by the premium payments of the participants or local governing bodies electing to participate in that plan. The director is authorized to employ such administrative practices and procedures with respect to these optional plans as are authorized for the administration of other plans under this article. The director shall establish separate funds ~~(1) For deposit of dental insurance premiums and payment of dental insurance claims; (2) for deposit of optical insurance premium payments and payment of optical insurance claims; (3) for deposit of disability insurance premium payments and payment of disability insurance claims; and (4) for deposit of audiology and hearing aid service insurance premiums and payment of audiology and hearing aid insurance claims for each of the above listed plans.~~ Such The funds shall not be supplemented by nor be used to supplement any other funds.

~~(b) The Finance Board shall study the feasibility of an oral health benefit for children of participants~~

§5-16-16. Preferred provider plan.

The director shall ~~on or before April 1, 1988, or as soon as practicable~~ establish a preferred provider system for the delivery of health care to plan participants by all health care providers, which may include, but not be limited to, medical doctors, chiropractors, physicians, osteopathic physicians, surgeons, hospitals, clinics, nursing homes, pharmacies, and pharmaceutical companies.

The director shall establish the terms of the preferred provider system and the incentives therefor. The terms and incentives may include multiyear renewal options as are not prohibited by the Constitution of this state and capitated primary care arrangements which are not subject to the provisions of §33-25A-1 *et seq.* of this code.

§5-16-18. Payment of costs by employer; schedule of insurance; special funds created; duties of Treasurer with respect thereto.

(a) All employers operating from state general revenue or special revenue funds, or federal funds, or any combination of those funds, shall budget the cost of insurance coverage provided by the Public Employees Insurance Agency to current and retired employees of the employer as a separate line item titled 'PEIA' in its respective annual budget and are responsible for the transfer of funds to the director for the cost of insurance for employees covered by the plan. Each spending unit shall pay to the director its proportionate share from each source of funds. Any agency wishing to charge General Revenue Funds for insurance benefits for retirees under §5-16-13 of this code shall provide documentation to the director that the benefits cannot be paid for by any special revenue account or that the retiring employee has been paid solely with General Revenue Funds for ~~twelve~~ 12 months prior to retirement.

(b) If the general revenue appropriation for any employer, excluding county boards of education, is insufficient to cover the cost of insurance coverage for the employer's participating employees, retired employees, and surviving dependents, the employer shall pay the remainder of the cost from its 'personal services' or 'unclassified' line items. The amount of the payments for county boards of education shall be determined by the method set forth in §18-9A-24 of this code: *Provided*, That local excess levy funds shall be used only for the purposes for which they were raised: *Provided, however*, That after approval of its annual financial plan, but in no event later than December 31 of each year, the finance board shall notify the Legislature and county boards

of education of the maximum amount of employer premiums that the county boards of education shall pay for covered employees during the following fiscal year.

(c) All other employers not operating from the state General Revenue Fund shall pay to the director their share of premium costs from their respective budgets. The finance board shall establish the employers' share of premium costs to reflect and pay the actual costs of the coverage including incurred but not reported claims.

(d) The contribution of the other employers (~~namely: A county, city, or town~~) that are counties, cities, or towns in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or comprehensive mental ~~retardation~~ health facility established, operated, or licensed by the Secretary of the Department of Health and Human Resources pursuant to ~~section one, article two a, chapter twenty seven~~ §27-2A-1 et seq. of this code, and which is supported in part by state, county, or municipal funds; and a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code for their employees shall be the percentage of the cost of the employees' insurance package as the employers determine reasonable and proper under their own particular circumstances.

(e) The employee's proportionate share of the premium or cost shall be withheld or deducted by the employer from the employee's salary or wages as and when paid and the sums shall be forwarded to the director with any supporting data as the director may require.

(f) All moneys received by the Public Employees Insurance Agency shall be deposited in a special fund or funds as are necessary in the State Treasury and the Treasurer ~~of the state~~ is custodian of the fund or funds and shall administer the fund or funds in accordance with the provisions of this article or as the director may from time to time direct. The Treasurer shall pay all warrants issued by the State Auditor against the fund or funds as the director may direct in accordance with the provisions of this article. All funds received by the agency, ~~including, but not limited to, basic insurance premiums, administrative expenses and optional life insurance premiums~~ shall be deposited, as determined by the director, in any of the investment pools with the West Virginia Investment Management Board, ~~including, but not limited to, the equity and fixed income pools~~ with the interest income or other earnings a proper credit to all such funds for the benefit of the Public Employees Insurance Agency.

(g) The Public Employees Insurance Agency may recover an additional interest amount from any employer that fails to pay in a timely manner any premium or minimum annual employer payment, as defined in ~~article sixteen d of this chapter~~ §5-16D-1 et seq. of this code, which is due and payable to the Public Employees Insurance Agency or the Retiree Health Benefit Trust. The agency may recover the amount due plus an additional amount equal to 2.5 percent per annum of the amount due. Accrual of interest owed by the delinquent employer commences upon the ~~thirty first~~ 31st day following the due date for the amount owed and shall continue until receipt by the Public Employees Insurance Agency of the delinquent payment. Interest shall compound every ~~thirty~~ 30 days.

§5-16-23. Members of Legislature may be covered if cost of the entire coverage is paid by such members.

~~Notwithstanding the definition of the term 'employee' contained in section two of this article and~~ Notwithstanding any other provision of this article to the contrary, members of the Legislature may participate in and be covered by any insurance plan or plans authorized hereunder for state officers and employees, except that all members of the Legislature who elect to participate in or to be covered by any such plan or plans shall pay their proportionate individual share of the full cost for all group coverage on themselves, ~~and~~ their spouses, and dependents, so that there will be no cost to the state for the coverage of any such members, spouses, and dependents.

§5-16-25. Reserve fund.

~~Upon the effective date of this section~~ The finance board shall establish and maintain a reserve fund for the purposes of offsetting unanticipated claim losses in any fiscal year. ~~Beginning with the fiscal year 2002 plan and for each succeeding fiscal year plan~~ The finance board shall maintain the actuarially recommended reserve in an amount no less than 10 percent of the projected total plan costs for that fiscal year in the reserve fund, which is to be certified by the actuary and included in the final, approved financial plan submitted to the Governor and Legislature. ~~in accordance with the provisions of this article.~~

§5-16-26. Quarterly report.

~~By October 30, 1991, and~~ On or before the ~~thirtieth~~ 30th day of January, April, July, and October of each year thereafter the director shall prepare for the approval of the finance board, and thereafter present to the Joint Committee on Government and Finance a quarterly report setting forth:

(a) A summary of the cost to the plan of health care claims incurred in the preceding calendar quarter;

(b) A summary of the funds accrued to the plan by legislative appropriation, employer and employee premiums, or otherwise, in the preceding calendar quarter for payment of health care claims;

(c) An explanation of all cost containment measures, increased premium rates, and any other plan changes adopted by the director in the preceding calendar quarter and estimated cost savings and enhanced revenues resulting therefrom, and a certification that the director made a good faith effort to develop and implement all reasonable health care cost containment alternatives;

(d) Expected claim costs for the next calendar year;

(e) Such other information as the director deems appropriate; and

(f) Any other financial or other information as may be requested by the Joint Committee on Government and Finance.

§5-16-28. Incorporation of the coverage for 12-month refill for contraceptive drugs.

[Repealed.]

§5-16-30. PEIA solvency.

The Public Employees Insurance Agency shall return to, and provide that, the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, shall be at a level of 80 percent for the employer and 20 percent for employees during fiscal year 2024 and thereafter.

§5-16-31. PEIA actuarial study.

PEIA shall conduct an independent actuarial study of the financial solvency of the plan, including, but not limited to, a consideration of alternatives to bring long-term financial stability to the plan, options regarding continued nonstate employee participation in the plan, collapsing salary levels, and any other cost-saving measures. PEIA shall seek input from public employees, retirees, providers, and other interested parties on solutions to evaluate in the study. The actuarial study shall begin on or before July 1, 2023. A report on the study shall be presented to the Joint Committee on Government and Finance on or before July 1, 2024.

§5-16-32. Effective date of amendments.

The amendments made to this article during the 2023 regular session of the Legislature shall be incorporated into the plan beginning with plan year 2024.”

On motion of Delegate Summers, the amendment was amended on page 1, line 17, by inserting the following:

“‘Device’ means a blood glucose test strip, glucometer, continuous glucose monitor (CGM), lancet, lancing device, or insulin syringe used to cure, diagnose, mitigate, prevent, or treat diabetes or low blood sugar, but does not include insulin pumps.’;

And,

On page 32, line 1, by striking subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) A policy, plan, or contract that is issued or renewed on or after January 1, 2023 shall provide coverage for prescription insulin drugs and equipment pursuant to this section.”

And,

On page 32, line 13, on page 32, line 13, by striking new subsection (b) in its entirety and inserting a new subsection (b) to read as follows:

“(c) Cost sharing for a 30-day supply of a covered prescription insulin drug may not exceed \$35 in aggregate, including situations where the covered person is prescribed more than one insulin drug, per 30-day supply, regardless of the amount or type of insulin needed to fill such covered person’s prescription. Cost sharing for a 30-day supply of covered device(s) may not exceed \$100 in aggregate, including situations where the covered person is prescribed more than one device, per 30-day supply. Each cost-share maximum is covered regardless of the person’s deductible, copayment, coinsurance or any other cost-sharing requirement.

Delegates Skaff and Williams moved to amend the amendment on page 46, section 13, line 15 following the words “of this code” by inserting the following:

“or if the spouse’s employers plan is designed to pay less than seventy percent of the total cost of medical services for a standard population.”

Delegates Adkins, Barnhart, Dean, Dillon, Dittman, Foggin, Garcia, Gearheart, Holstein, Honaker, Hott, Householder, Howell, Kirby, Linville, Longanacre, Lucas, Martin, C. Pritt, E. Pritt, Reynolds, Ross, Rowe, Shamblin, Steele, Toney and Ward requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and did not excuse the Members from voting on the bill or amendments.

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 463**), and there were— yeas 21, nays 74, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dillon, Fluharty, Foggin, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Toney, Vance, Walker, Williams and Young.

Absent and Not Voting*: Bridges, Fast, Ferrell, Storch and Westfall.

*Delegates Miller and Jeffries announced that their votes did not register and they are recorded as “nay”.

So, a majority of the members present not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates D. E. Pritt, Skaff, Fluharty, Walker, Hansen, Rowe, Williams, Griffith, Young, Pushkin, Garcia and Hornbuckle moved to amend the amendment on pages 45 and 46, section 13, beginning on line 8, following the words “entitled to participate” by striking out the period and the remainder of line 8, and all of lines 9 through line 25 on page 46, and inserting in lieu thereof the following:

“: *Provided*, That the spouse and dependent coverage is limited to excess or secondary coverage for each spouse and dependent who has primary coverage from any other source. For purposes of this section, the term "primary coverage" means individual or group hospital and surgical insurance coverage or individual or group major medical insurance coverage or group prescription drug coverage in which the spouse or dependent is the named insured or certificate holder. For the purposes of this section, "dependent" includes an eligible employee's unmarried child or stepchild under the age of twenty-five if that child or stepchild meets the definition of a "qualifying child" or a "qualifying relative" in Section 152 of the Internal Revenue Code. The director may require proof regarding spouse and dependent primary coverage and shall adopt rules governing the nature, discontinuance and resumption of any employee's coverage for his or her spouse and dependents.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 464**), and there were—yeas 20, nays 75, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dillon, Fluharty, Foggin, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Toney, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Chiarelli, Ferrell, Storch and Westfall.

So, a majority of the members present not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates Hansen, Skaff, Fluharty, Walker, Rowe, Williams, Griffith, Young, D. E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the bill on page 17, section 5, line 108, following the words “by that subsection” by striking out the period, inserting a colon and the following proviso:

“Provided, That the aggregate cost sharing percentage of 80 percent for the employer shall be exceeded to prevent any employee premium cost share being increased by more than 10% from the employee’s previous year’s costs.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 465**), and there were—yeas 24, nays 72, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dillon, Dittman, Fluharty, Foggin, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kirby, Marple, McGeehan, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Toney, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Ferrell, Storch and Westfall.

So, a majority of the members present not having voted in the affirmative, the amendment

An amendment sponsored by Delegate Dean, was reported by the Clerk, on page 16, section 5, line 82, following the words “of the fiscal year” by inserting the following:

“The 80/20 premium implementation begins with the 2024 fiscal year plan.”

Delegate Dean asked and obtained unanimous consent that the amendment be reformed as follows:

Delegate Dean moves to amend the House Finance Committee amendment on page 16, section 5, line 82, following the words “of the fiscal year” by inserting the following:

“The 80/20 premium implementation begins with the 2025 fiscal year plan.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 466**), and there were—yeas 26, nays 68, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dillon, Fluharty, Foggin, Garcia, Griffith, A. Hall, Hanna, Hansen, Hornbuckle, Kirby, Marple, Martin, McGeehan, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Toney, Vance, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Ferrell, Hardy, Shamblin, Storch and Westfall.

So, a majority of the members present not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates Steele and Burkhammer moved to amend the amendment on page 24, line 163, by striking “Additional immunizations may be required by the Commissioner of the Bureau for Public Health for public health purposes.”

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. 467**), and there were—yeas 82, nays 11, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pushkin, Rowe, Skaff, Statler, Walker and Williams.

Absent and Not Voting: Adkins, Bridges, Clark, Ferrell, Hardy, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The Committee on Finance amendment, as amended, was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 468**), and there were—yeas 69, nays 27, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Dean, Dillon, Ellington, Fluharty, Foggin, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kirby, Longanacre, Martin, McGeehan, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Toney, Vance, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Ferrell, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 268) passed.

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

Com. Sub. for S. B. 258 – “A Bill to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, and §5-16-26 of the Code of West Virginia, 1931, as amended; to repeal §5-16-5b and §5-16-28 of said code; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31, and §5-16-32, all relating generally to the West Virginia Public Employees Insurance Act; providing definitions; removing antiquated reporting requirement; imposing fiduciary responsibility on finance board members and requiring training; providing requirements for actuary opinions and financial plans; modifying levels of reimbursements to health care providers; modifying public hearing requirements; providing for the use of Governor’s revenue estimates; requiring director to provide certain information to the board; requiring that certain actuary opinions and financial plans include, but not be limited to, the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, at a level of 80 percent for the employer and 20 percent for employees beginning with the plan year for fiscal year 2024; providing for retention of excess revenues; terminating the Post-July 1, 2010, Employee Trust Fund; removing limitations on benefits for certain services provided for autism spectrum disorder; moving certain provisions of law to other places within the code; modifying provisions relating to coverage for reconstructive surgery following mastectomies; modifying provisions relating to coverage for prescription insulin drugs; providing for health and wellness programs; require PEIA to use networks to provide care to members out of state; clarifying language allowing a PEIA plan to provide benefits for retired employees and their spouses and dependents; requiring employees to pay actuarial value of plan for spouse coverage in certain circumstances; requiring programs that qualify for favorable income tax treatment; providing for optional dental, optical, disability, and prepaid retirement plan, and audiology and hearing-aid service plans, and preferred provider plans; providing for employers’ payment of PEIA costs; providing for coverage of members of the Legislature; providing for reserve fund and quarterly reports; requiring an independent actuarial study of financial solvency of plan; and providing that amendments made to article shall be incorporated into the plan beginning with plan year 2024.”

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

On this question, the yeas and nays were taken (**Roll No. 469**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Dean, Dillon, Fluharty, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kirby, Longanacre, McGeehan, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Toney, Vance, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Ferrell, Storch and Westfall.

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. 268) takes effect from its passage.

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

At 12:53 p.m., the House of Delegates recessed until 1:30 p.m.

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Afternoon Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Com. Sub. for H. B. 2024, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution; on third reading, with the right to amend, was reported by the Clerk.

On motion of Delegate Criss, the bill was amended on page thirteen, line twelve, following the words “appropriation 76400)” and the comma, by striking out the word “and”;

On page fourteen, line thirteen, following the words “appropriation 89100)”, by inserting a comma and the following: “and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700)”;

On page twenty-seven, line ten, following the words “for similar purposes” and the period, by inserting a new paragraph to read as follows: “Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.”;

On page thirty-six, line fifty-five, following the words “appropriation 88600)” and the comma, by striking out the word “and”;

On page thirty-six, line fifty-six, following the words “appropriation 93300)”, by inserting a comma and the following: “and Classroom Aide Program – Surplus (fund 0313, appropriation ###)”;

On page forty-four, line five, following the words “Total... \$673,296”, by inserting a new paragraph to read as follows: “Any unexpended balance remaining in the appropriation for Pregnancy Centers – Surplus (fund 0407, appropriation #####) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.”;

On page sixty, line sixteen, following the words “appropriation 76200)” and the comma, by striking out the word “and”;

On page sixty, line seventeen, following the words “appropriation 89501)” by inserting a comma and the following: “and Victims of Crime Act – Surplus (fund 0546, appropriation #####)”;

And,

On page sixty-four, following line eleven, by inserting the following:

“79a – Division of Multimodal Transportation Facilities

(WV Code Chapter 17)

Fund 0580 FY 2023 Org 0810

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits – Surplus (fund 0580, appropriation 00100), Current Expenses (fund 0580, appropriation 13000), and BRIM Premium (fund 0580, appropriation 91300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.”.

Delegates Rowe, Skaff, Fluharty, Walker, Hansen, Williams, Griffith, Young, D. E. Pritt, Pushkin, Garcia and Hornbuckle move to amend Com Sub for HB2024 on page 164, Item 325, by striking out lines 1 through 7 and inserting in lieu thereof, the following:

“Personal Services and Employee Benefits.....	00100	\$ 641,932,089
Unclassified	09900	13,554,899
Current Expenses	13000	400,000,000
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	1,000
Other Assets	69000	1,000
American Rescue Plan Low-income Assistance Program.....	XXXXX	<u>300,000,000</u>
Total.....		\$ 1,355,489,988

American Resource Plan Low-income Assistance Program monies are to be distributed among county commissions together with the Class IV municipalities in their counties, and Class I, Class II, and Class III municipalities. The Governor shall allocate moneys to county commissions and municipalities based on the percentage share of families and individuals living below the federal poverty level in each respective jurisdiction as a proportional share of all persons living below the federal poverty line statewide. All funds allocated must be used by the recipient jurisdiction in compliance with 31 CFR Part 35 and ARPA Enumerated Use Expenditure Categories as set forth in Appendix 1 of U.S. Department of Treasury “Coronavirus State and Local Fiscal Recovery Funds: Compliance and Reporting Guidance;” and further at least fifty percent of the funds shall be used by each jurisdiction for purposes consistent with ARPA Enumerated Use Expenditure Categories 2.1 through 2.37 as set forth in Appendix 1 of U.S. Department of Treasury’s “Coronavirus State and Local Fiscal Recovery Funds: Compliance and Reporting Guidance.”

Speaker Pro Tempore Espinosa in the Chair

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. 470**), and there were— yeas 14, nays 80, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Longanacre, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Ferrell, Steele, Storch, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegates Rowe and Griffith moved to amend the bill on page 186, following the period at the end of line 12 of Sec 9. by inserting a new item #386, to read as follows

*“386 - State Board of Education –
State Department of Education
(W.V. Code Chapters 18 and 18A)*

Safe Schools.....	14300	<u>80,000,000</u>
Total		\$ 80,000,000”

And,

Renumbering subsequent items in Sec.9;

And,

To reconcile “Total TITLE II. Section 9 – General Revenue Surplus Accrued” located on page 198 and renumbering subsequent item numbers in the bill accordingly.

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. 471**), and there were— yeas 15, nays 76, absent and not voting 9, with the yeas and the absent and not voting being as follows:

Yeas: Clark, Fluharty, Garcia, Griffith, Hanna, Hansen, Holstein, Hornbuckle, Kirby, E. Pritt, Pushkin, Rowe, Skaff, Walker and Williams.

Absent and Not Voting: Anderson, Barnhart, Bridges, Ferrell, Steele, Storch, Westfall, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegates Skaff, Fluharty, Rowe, Walker, Hansen, Griffith, Williams, Young, D. E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the bill on page 187, Item 386, line 1, by striking out the number “80,000,000” and inserting in lieu thereof, the number “180,000,000.”

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. 472**), and there were— yeas 18, nays 72, absent and not voting 10, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Dillon, Fluharty, Garcia, Griffith, A. Hall, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Rowe, Skaff, Vance, Walker, Williams and Young.

Absent and Not Voting: Anderson, Barnhart, Bridges, Ferrell, Linville, Steele, Storch, Westfall, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegates Rowe, Skaff, Fluharty, Walker, Hansen, Williams, Griffith, Young, D. E. Pritt, Pushkin, Garcia and Hornbuckle moved to amend the bill on page 193, following the period at the end of Item 421, by inserting a new item #422, to read as follows:

422 Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2024 Org 0313

Reclamation of Abandoned and Dilapidated Properties	xxxxxx	\$	<u>20,000,000</u>
Total.....			20,000,000

The above appropriation shall be deposited into the Reclamation of Abandoned and Dilapidated Properties Program Fund established pursuant to W.Va. Code §22-15A-30.”

And,

To reconcile “Total TITLE II. Section 9 – General Revenue Surplus Accrued” and renumbering subsequent item numbers in the bill accordingly.

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. 473**), and there were— yeas 15, nays 74, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, W. Hall, Hanna, Hansen, Hillenbrand, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Anderson, Barnhart, Bridges, Ferrell, Linville, Reynolds, Steele, Storch, Westfall, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegate Young moved to amend the bill on page 193, following the period at the end of Item 421, by inserting a new item #422, to read as follows:

“422

1 - House of Delegates

Fund 0170 FY 2024 Org 2200

Capital Outlay, Repairs and Equipment (R).....	58900	<u>50,000</u>
Total.....	\$	50,000

From the above appropriation for (fund 0170 appropriation 58900 shall be used to install video broadcasting in the four House of Delegates Committee Rooms).”

And,

To reconcile “Total TITLE II. Section 9 – General Revenue Surplus Accrued” and renumbering subsequent item numbers in the bill accordingly.”

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. 474**), and there were—yeas 40, nays 53, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Crouse, Dean, Dillon, Dittman, Fluharty, Garcia, Griffith, A. Hall, Hanna, Hansen, Hillenbrand, Honaker, Hornbuckle, Horst, Kirby, Kump, Linville, Longanacre, Lucas, Marple, McGeehan, Petitto, E. Pritt, Pushkin, Ross, Rowe, Skaff, Summers, Tully, Vance, Walker, Williams, Willis, Worrell and Young.

Absent and Not Voting: Bridges, Ferrell, Reynolds, Steele, Storch, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 475**), and there were—yeas 87, nays 7, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Kirby, Longanacre, E. Pritt, Pushkin and Vance.

Absent and Not Voting: Bridges, Ferrell, Reynolds, Storch, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 476**), 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: Vance.

Absent and Not Voting: Bridges, Ferrell, W. Hall, Longanacre, Reynolds, Storch and Westfall.

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

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

Com. Sub. for S. B. 423, Increasing salary for certain state employees; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Mr. Speaker, Delegate Hanshaw in the Chair

An amendment was recommended by the Committee on Finance, and adopted, on page twelve, by striking out the following:

<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>2,237</u>	<u>2,258</u>	<u>2,300</u>	<u>2,353</u>	<u>2,406</u>	<u>2,469</u>	<u>2,501</u>	<u>2,574</u>
<u>1</u>	<u>2,269</u>	<u>2,291</u>	<u>2,332</u>	<u>2,385</u>	<u>2,439</u>	<u>2,502</u>	<u>2,533</u>	<u>2,607</u>
<u>2</u>	<u>2,302</u>	<u>2,323</u>	<u>2,365</u>	<u>2,418</u>	<u>2,471</u>	<u>2,534</u>	<u>2,566</u>	<u>2,639</u>
<u>3</u>	<u>2,334</u>	<u>2,356</u>	<u>2,398</u>	<u>2,451</u>	<u>2,504</u>	<u>2,567</u>	<u>2,599</u>	<u>2,672</u>
<u>4</u>	<u>2,367</u>	<u>2,389</u>	<u>2,430</u>	<u>2,483</u>	<u>2,536</u>	<u>2,600</u>	<u>2,631</u>	<u>2,706</u>
<u>5</u>	<u>2,400</u>	<u>2,421</u>	<u>2,463</u>	<u>2,516</u>	<u>2,569</u>	<u>2,632</u>	<u>2,664</u>	<u>2,738</u>
<u>6</u>	<u>2,432</u>	<u>2,454</u>	<u>2,497</u>	<u>2,549</u>	<u>2,602</u>	<u>2,665</u>	<u>2,697</u>	<u>2,771</u>
<u>7</u>	<u>2,466</u>	<u>2,486</u>	<u>2,529</u>	<u>2,581</u>	<u>2,634</u>	<u>2,698</u>	<u>2,729</u>	<u>2,804</u>
<u>8</u>	<u>2,499</u>	<u>2,519</u>	<u>2,562</u>	<u>2,614</u>	<u>2,667</u>	<u>2,730</u>	<u>2,762</u>	<u>2,836</u>
<u>9</u>	<u>2,531</u>	<u>2,552</u>	<u>2,595</u>	<u>2,648</u>	<u>2,700</u>	<u>2,763</u>	<u>2,794</u>	<u>2,869</u>

<u>10</u>	<u>2,564</u>	<u>2,585</u>	<u>2,627</u>	<u>2,680</u>	<u>2,732</u>	<u>2,797</u>	<u>2,828</u>	<u>2,902</u>
<u>11</u>	<u>2,597</u>	<u>2,618</u>	<u>2,660</u>	<u>2,713</u>	<u>2,765</u>	<u>2,829</u>	<u>2,861</u>	<u>2,934</u>
<u>12</u>	<u>2,629</u>	<u>2,651</u>	<u>2,692</u>	<u>2,746</u>	<u>2,799</u>	<u>2,862</u>	<u>2,893</u>	<u>2,967</u>
<u>13</u>	<u>2,662</u>	<u>2,683</u>	<u>2,725</u>	<u>2,778</u>	<u>2,831</u>	<u>2,894</u>	<u>2,926</u>	<u>3,000</u>
<u>14</u>	<u>2,695</u>	<u>2,716</u>	<u>2,758</u>	<u>2,811</u>	<u>2,864</u>	<u>2,927</u>	<u>2,959</u>	<u>3,032</u>
<u>15</u>	<u>2,727</u>	<u>2,749</u>	<u>2,790</u>	<u>2,843</u>	<u>2,896</u>	<u>2,960</u>	<u>2,991</u>	<u>3,065</u>
<u>16</u>	<u>2,760</u>	<u>2,781</u>	<u>2,823</u>	<u>2,876</u>	<u>2,929</u>	<u>2,992</u>	<u>3,024</u>	<u>3,098</u>
<u>17</u>	<u>2,792</u>	<u>2,814</u>	<u>2,857</u>	<u>2,909</u>	<u>2,962</u>	<u>3,025</u>	<u>3,057</u>	<u>3,131</u>
<u>18</u>	<u>2,825</u>	<u>2,847</u>	<u>2,889</u>	<u>2,941</u>	<u>2,994</u>	<u>3,058</u>	<u>3,089</u>	<u>3,164</u>
<u>19</u>	<u>2,859</u>	<u>2,879</u>	<u>2,922</u>	<u>2,974</u>	<u>3,027</u>	<u>3,090</u>	<u>3,122</u>	<u>3,196</u>
<u>20</u>	<u>2,891</u>	<u>2,912</u>	<u>2,955</u>	<u>3,008</u>	<u>3,060</u>	<u>3,123</u>	<u>3,155</u>	<u>3,230</u>
<u>21</u>	<u>2,924</u>	<u>2,944</u>	<u>2,987</u>	<u>3,040</u>	<u>3,092</u>	<u>3,156</u>	<u>3,187</u>	<u>3,264</u>
<u>22</u>	<u>2,957</u>	<u>2,978</u>	<u>3,020</u>	<u>3,073</u>	<u>3,125</u>	<u>3,189</u>	<u>3,221</u>	<u>3,296</u>
<u>23</u>	<u>2,989</u>	<u>3,011</u>	<u>3,053</u>	<u>3,106</u>	<u>3,159</u>	<u>3,223</u>	<u>3,255</u>	<u>3,330</u>
<u>24</u>	<u>2,237</u>	<u>2,258</u>	<u>2,300</u>	<u>2,353</u>	<u>2,406</u>	<u>2,469</u>	<u>2,501</u>	<u>2,574</u>
<u>25</u>	<u>2,269</u>	<u>2,291</u>	<u>2,332</u>	<u>2,385</u>	<u>2,439</u>	<u>2,502</u>	<u>2,533</u>	<u>2,607</u>
<u>26</u>	<u>2,302</u>	<u>2,323</u>	<u>2,365</u>	<u>2,418</u>	<u>2,471</u>	<u>2,534</u>	<u>2,566</u>	<u>2,639</u>
<u>27</u>	<u>2,334</u>	<u>2,356</u>	<u>2,398</u>	<u>2,451</u>	<u>2,504</u>	<u>2,567</u>	<u>2,599</u>	<u>2,672</u>
<u>28</u>	<u>2,367</u>	<u>2,389</u>	<u>2,430</u>	<u>2,483</u>	<u>2,536</u>	<u>2,600</u>	<u>2,631</u>	<u>2,706</u>
<u>29</u>	<u>2,400</u>	<u>2,421</u>	<u>2,463</u>	<u>2,516</u>	<u>2,569</u>	<u>2,632</u>	<u>2,664</u>	<u>2,738</u>
<u>30</u>	<u>2,432</u>	<u>2,454</u>	<u>2,497</u>	<u>2,549</u>	<u>2,602</u>	<u>2,665</u>	<u>2,697</u>	<u>2,771</u>
<u>31</u>	<u>2,466</u>	<u>2,486</u>	<u>2,529</u>	<u>2,581</u>	<u>2,634</u>	<u>2,698</u>	<u>2,729</u>	<u>2,804</u>
<u>32</u>	<u>2,499</u>	<u>2,519</u>	<u>2,562</u>	<u>2,614</u>	<u>2,667</u>	<u>2,730</u>	<u>2,762</u>	<u>2,836</u>
<u>33</u>	<u>2,531</u>	<u>2,552</u>	<u>2,595</u>	<u>2,648</u>	<u>2,700</u>	<u>2,763</u>	<u>2,794</u>	<u>2,869</u>
<u>34</u>	<u>2,564</u>	<u>2,585</u>	<u>2,627</u>	<u>2,680</u>	<u>2,732</u>	<u>2,797</u>	<u>2,828</u>	<u>2,902</u>
<u>35</u>	<u>2,597</u>	<u>2,618</u>	<u>2,660</u>	<u>2,713</u>	<u>2,765</u>	<u>2,829</u>	<u>2,861</u>	<u>2,934</u>

<u>36</u>	<u>2,629</u>	<u>2,651</u>	<u>2,692</u>	<u>2,746</u>	<u>2,799</u>	<u>2,862</u>	<u>2,893</u>	<u>2,967</u>
<u>37</u>	<u>2,662</u>	<u>2,683</u>	<u>2,725</u>	<u>2,778</u>	<u>2,831</u>	<u>2,894</u>	<u>2,926</u>	<u>3,000</u>
<u>38</u>	<u>2,695</u>	<u>2,716</u>	<u>2,758</u>	<u>2,811</u>	<u>2,864</u>	<u>2,927</u>	<u>2,959</u>	<u>3,032</u>
<u>39</u>	<u>2,727</u>	<u>2,749</u>	<u>2,790</u>	<u>2,843</u>	<u>2,896</u>	<u>2,960</u>	<u>2,991</u>	<u>3,065</u>
<u>40</u>	<u>2,760</u>	<u>2,781</u>	<u>2,823</u>	<u>2,876</u>	<u>2,929</u>	<u>2,992</u>	<u>3,024</u>	<u>3,098</u>

And inserting in lieu thereof the following:

<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>2,237</u>	<u>2,258</u>	<u>2,300</u>	<u>2,353</u>	<u>2,406</u>	<u>2,469</u>	<u>2,501</u>	<u>2,574</u>
<u>1</u>	<u>2,269</u>	<u>2,291</u>	<u>2,332</u>	<u>2,385</u>	<u>2,439</u>	<u>2,502</u>	<u>2,533</u>	<u>2,607</u>
<u>2</u>	<u>2,302</u>	<u>2,323</u>	<u>2,365</u>	<u>2,418</u>	<u>2,471</u>	<u>2,534</u>	<u>2,566</u>	<u>2,639</u>
<u>3</u>	<u>2,334</u>	<u>2,356</u>	<u>2,398</u>	<u>2,451</u>	<u>2,504</u>	<u>2,567</u>	<u>2,599</u>	<u>2,672</u>
<u>4</u>	<u>2,367</u>	<u>2,389</u>	<u>2,430</u>	<u>2,483</u>	<u>2,536</u>	<u>2,600</u>	<u>2,631</u>	<u>2,706</u>
<u>5</u>	<u>2,400</u>	<u>2,421</u>	<u>2,463</u>	<u>2,516</u>	<u>2,569</u>	<u>2,632</u>	<u>2,664</u>	<u>2,738</u>
<u>6</u>	<u>2,432</u>	<u>2,454</u>	<u>2,497</u>	<u>2,549</u>	<u>2,602</u>	<u>2,665</u>	<u>2,697</u>	<u>2,771</u>
<u>7</u>	<u>2,466</u>	<u>2,486</u>	<u>2,529</u>	<u>2,581</u>	<u>2,634</u>	<u>2,698</u>	<u>2,729</u>	<u>2,804</u>
<u>8</u>	<u>2,499</u>	<u>2,519</u>	<u>2,562</u>	<u>2,614</u>	<u>2,667</u>	<u>2,730</u>	<u>2,762</u>	<u>2,836</u>
<u>9</u>	<u>2,531</u>	<u>2,552</u>	<u>2,595</u>	<u>2,648</u>	<u>2,700</u>	<u>2,763</u>	<u>2,794</u>	<u>2,869</u>
<u>10</u>	<u>2,564</u>	<u>2,585</u>	<u>2,627</u>	<u>2,680</u>	<u>2,732</u>	<u>2,797</u>	<u>2,828</u>	<u>2,902</u>
<u>11</u>	<u>2,597</u>	<u>2,618</u>	<u>2,660</u>	<u>2,713</u>	<u>2,765</u>	<u>2,829</u>	<u>2,861</u>	<u>2,934</u>
<u>12</u>	<u>2,629</u>	<u>2,651</u>	<u>2,692</u>	<u>2,746</u>	<u>2,799</u>	<u>2,862</u>	<u>2,893</u>	<u>2,967</u>
<u>13</u>	<u>2,662</u>	<u>2,683</u>	<u>2,725</u>	<u>2,778</u>	<u>2,831</u>	<u>2,894</u>	<u>2,926</u>	<u>3,000</u>
<u>14</u>	<u>2,695</u>	<u>2,716</u>	<u>2,758</u>	<u>2,811</u>	<u>2,864</u>	<u>2,927</u>	<u>2,959</u>	<u>3,032</u>
<u>15</u>	<u>2,727</u>	<u>2,749</u>	<u>2,790</u>	<u>2,843</u>	<u>2,896</u>	<u>2,960</u>	<u>2,991</u>	<u>3,065</u>
<u>16</u>	<u>2,760</u>	<u>2,781</u>	<u>2,823</u>	<u>2,876</u>	<u>2,929</u>	<u>2,992</u>	<u>3,024</u>	<u>3,098</u>

<u>17</u>	<u>2,792</u>	<u>2,814</u>	<u>2,857</u>	<u>2,909</u>	<u>2,962</u>	<u>3,025</u>	<u>3,057</u>	<u>3,131</u>
<u>18</u>	<u>2,825</u>	<u>2,847</u>	<u>2,889</u>	<u>2,941</u>	<u>2,994</u>	<u>3,058</u>	<u>3,089</u>	<u>3,164</u>
<u>19</u>	<u>2,859</u>	<u>2,879</u>	<u>2,922</u>	<u>2,974</u>	<u>3,027</u>	<u>3,090</u>	<u>3,122</u>	<u>3,196</u>
<u>20</u>	<u>2,891</u>	<u>2,912</u>	<u>2,955</u>	<u>3,008</u>	<u>3,060</u>	<u>3,123</u>	<u>3,155</u>	<u>3,230</u>
<u>21</u>	<u>2,924</u>	<u>2,944</u>	<u>2,987</u>	<u>3,040</u>	<u>3,092</u>	<u>3,156</u>	<u>3,187</u>	<u>3,264</u>
<u>22</u>	<u>2,957</u>	<u>2,978</u>	<u>3,020</u>	<u>3,073</u>	<u>3,125</u>	<u>3,189</u>	<u>3,221</u>	<u>3,296</u>
<u>23</u>	<u>2,989</u>	<u>3,011</u>	<u>3,053</u>	<u>3,106</u>	<u>3,159</u>	<u>3,223</u>	<u>3,255</u>	<u>3,330</u>
<u>24</u>	<u>3,022</u>	<u>3,043</u>	<u>3,085</u>	<u>3,138</u>	<u>3,191</u>	<u>3,257</u>	<u>3,288</u>	<u>3,364</u>
<u>25</u>	<u>3,055</u>	<u>3,076</u>	<u>3,118</u>	<u>3,171</u>	<u>3,225</u>	<u>3,289</u>	<u>3,322</u>	<u>3,396</u>
<u>26</u>	<u>3,087</u>	<u>3,109</u>	<u>3,150</u>	<u>3,205</u>	<u>3,259</u>	<u>3,323</u>	<u>3,354</u>	<u>3,430</u>
<u>27</u>	<u>3,120</u>	<u>3,141</u>	<u>3,183</u>	<u>3,237</u>	<u>3,291</u>	<u>3,355</u>	<u>3,388</u>	<u>3,463</u>
<u>28</u>	<u>3,153</u>	<u>3,174</u>	<u>3,217</u>	<u>3,271</u>	<u>3,325</u>	<u>3,389</u>	<u>3,422</u>	<u>3,497</u>
<u>29</u>	<u>3,185</u>	<u>3,208</u>	<u>3,250</u>	<u>3,303</u>	<u>3,358</u>	<u>3,423</u>	<u>3,454</u>	<u>3,531</u>
<u>30</u>	<u>3,219</u>	<u>3,240</u>	<u>3,284</u>	<u>3,337</u>	<u>3,391</u>	<u>3,455</u>	<u>3,488</u>	<u>3,564</u>
<u>31</u>	<u>3,252</u>	<u>3,274</u>	<u>3,318</u>	<u>3,371</u>	<u>3,425</u>	<u>3,489</u>	<u>3,522</u>	<u>3,597</u>
<u>32</u>	<u>3,286</u>	<u>3,307</u>	<u>3,350</u>	<u>3,404</u>	<u>3,457</u>	<u>3,523</u>	<u>3,554</u>	<u>3,631</u>
<u>33</u>	<u>3,320</u>	<u>3,340</u>	<u>3,384</u>	<u>3,438</u>	<u>3,491</u>	<u>3,555</u>	<u>3,588</u>	<u>3,664</u>
<u>34</u>	<u>3,352</u>	<u>3,374</u>	<u>3,418</u>	<u>3,472</u>	<u>3,525</u>	<u>3,589</u>	<u>3,622</u>	<u>3,697</u>
<u>35</u>	<u>3,386</u>	<u>3,408</u>	<u>3,450</u>	<u>3,504</u>	<u>3,557</u>	<u>3,623</u>	<u>3,655</u>	<u>3,731</u>
<u>36</u>	<u>3,420</u>	<u>3,441</u>	<u>3,484</u>	<u>3,538</u>	<u>3,592</u>	<u>3,656</u>	<u>3,689</u>	<u>3,763</u>
<u>37</u>	<u>3,452</u>	<u>3,475</u>	<u>3,518</u>	<u>3,572</u>	<u>3,626</u>	<u>3,690</u>	<u>3,722</u>	<u>3,797</u>
<u>38</u>	<u>3,486</u>	<u>3,507</u>	<u>3,550</u>	<u>3,604</u>	<u>3,658</u>	<u>3,723</u>	<u>3,755</u>	<u>3,831</u>
<u>39</u>	<u>3,520</u>	<u>3,541</u>	<u>3,584</u>	<u>3,638</u>	<u>3,692</u>	<u>3,756</u>	<u>3,789</u>	<u>3,863</u>
<u>40</u>	<u>3,552</u>	<u>3,575</u>	<u>3,617</u>	<u>3,671</u>	<u>3,726</u>	<u>3,790</u>	<u>3,822</u>	<u>3,897</u>

On motion of Delegate Criss, the bill was amended on page three, section five, line forty-four, following the Roman numeral "VI", by striking out the numbers "~~65,242~~ 67,524" and inserting in lieu thereof the numbers "~~65,242~~ 67,542".

Delegate Foggin moved to amend the bill on page 9, line 10, by striking subsections (c) and (d) and re-lettering the remaining subsections accordingly.

Delegates Barnhart, Dillon, Dittman, Foggin, Longanacre, E. Pritt, Shamblin and Toney requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and did not excuse the Members from voting on the bill or amendments.

Delegate Criss requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and did not excuse the Member from voting.

The question being on the adoption of the amendment, the same was put and did not prevail.

Delegate Foggin moved to amend the bill on page 9, line 17, after the period by inserting the following, "Math instruction includes a teacher providing physics and chemistry instruction."

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. 477**), and there were—yeas 15, nays 79, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Butler, Dean, Dillon, Foggin, W. Hall, Kirby, Kump, E. Pritt, Pushkin, Ross, Rowe, Steele, Vance, Walker and Williams.

Absent and Not Voting: Bridges, Ferrell, Hott, Reynolds, Storch and Westfall.

So, a majority of the members present not having voted in the affirmative, the amendment

Delegate Foggin moved to amend the bill on page 9, line 19 after the word, "Superintendent," by inserting the words, "or licensed as a speech language pathologist".

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. 478**), and there were—yeas 25, nays 68, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Butler, Dean, Dillon, Fluharty, Foggin, Garcia, A. Hall, Hansen, Hornbuckle, Kirby, Kump, Marple, Martin, Nestor, E. Pritt, Pushkin, Ross, Rowe, Skaff, Vance, Walker, Williams, Willis and Young.

Absent and Not Voting: Bridges, Ferrell, Hornby, Hott, Reynolds, Storch and Westfall.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegates Fluharty, Skaff, Hansen, Walker, Rowe, Williams, Griffith, Young, D. E. Pritt, Pushkin, Garcia and Hornbuckle move to amend the bill on page 6, Section 5, line 126, following the period, by inserting a new subsection to read as follows:

“(k) The raise effective July 1, 2023 shall be increased uniformly for all employees, effective July 1, 2024, in the amount of \$2,300.”;

And,

On page 11, Section 2, line 53, following the period, by inserting a new subsection to read as follows:

“(f) The raise effective July 1, 2023 shall be increased uniformly for all employees, effective July 1, 2024, in the amount of \$2,300.”;

And,

On page 21, Section 8a, line 197, by inserting a new subsection to read as follows:

“(n) The raise effective July 1, 2023 shall be increased uniformly for all employees, effective July 1, 2024, in the amount of \$2,300.”

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. 479**), and there were—yeas 18, nays 74, absent and not voting 8, with the yeas and the absent and not voting being as follows:

Yeas: Dean, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kirby, Kump, Longanacre, E. Pritt, Pushkin, Ross, Rowe, Skaff, Vance, Walker, Williams and Young.

Absent and Not Voting*: Bridges, Ferrell, Hott, Reynolds, Ridenour, Storch, Street and Westfall.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

*Delegate Warner announced that her vote did not register and she is recorded as “nay”.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 480**), 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, Ferrell, Hott, Reynolds, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 423) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 481**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ferrell, Hott, Reynolds, Storch, Warner and Westfall.

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. 423) takes effect July 1, 2023.

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

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. 2526, Relating to reducing the personal income tax.

Delegate Householder asked unanimous consent that the bill be taken up for immediate consideration, which consent was not granted, objection being heard.

Whereupon,

On motion of Delegate Householder, the bill was taken up for immediate consideration.

Delegate Householder moved that the House concur 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 13MM. WEST VIRGINIA PROPERTY TAX ADJUSTMENT ACT.

§11-13MM-1. Findings and Purpose

(a) This article shall be known and cited as the West Virginia Property Tax Adjustment Act.

(b) The Legislature finds that the encouragement of economic growth and development in this state is in the public interest and promotes the general welfare of the people of this state. In order to encourage capital investment in business and industry in this state and thereby increase economic development, there is hereby provided certain tax credits against the taxes imposed under §11-21-1 et seq. of this code, or against the tax imposed under §11-24-1 et seq. of this code based upon the amount of property tax timely paid on certain property subject to ad valorem property taxation.

§11-13MM-2. Definitions.

(a) General. — When used in this article, or in the administration of this article, terms defined in subsection (b) of this section have the meanings ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used.

(b) Terms defined. —

(1) 'Ad valorem property tax' means and is limited to the West Virginia ad valorem property tax.

(2) 'Business' means any activity taxable under article §11-12-1 et seq. of this code, which is engaged in by any person in this State.

(3) 'Disabled veteran taxpayer' means a person honorable discharged from any branch of the armed services of the United States and who is considered at least ninety percent totally and permanently disabled due solely to service-connected disabilities by the Department of Veterans Affairs.

(4) 'Eligible motor vehicle' means a motor vehicle on which the ad valorem property tax has been paid for the taxable year by the eligible taxpayer, and which is a motor vehicle as defined in this article.

(5) 'Flow-through entity,' 'conduit entity,' or 'pass through entity' means an S Corporation, partnership, limited partnership, limited liability partnership, or limited liability company. The term 'flow-through entity,' 'conduit entity,' or 'pass through entity' includes a publicly traded partnership as that term is defined in section 7704 of the Internal Revenue Code that has equity securities registered with the Securities and Exchange Commission under section 12 of Title I of the Securities Exchange Act of 1934, 15 USC §781: *Provided*, That a publicly traded partnership as defined in section 7704 of the Internal Revenue Code having equity securities registered with the Securities and Exchange Commission under section 12 of Title I of the Securities Exchange Act of 1934, 15 USC §781, and any other person or entity that is treated as a C corporation for federal income tax purposes, shall be treated as a corporation taxable under article §11-24-1 et seq. of this code for purposes of this article.

(6) 'Motor Vehicle' means the following class of vehicles defined in §17A-10-1 of this code: Class A, Class B, Class G, Class H, Class T, Class V, Class X, and all-terrain vehicles and utility terrain vehicles as defined in §20-15-2 of this code.

(7) 'Person' means and includes an individual, a trust, estate, partnership, pass through entity, association, company, or corporation.

(8) 'Personal property' shall have the same meaning as in §11-5-1 et seq. of this code: *Provided*: That, for the purposes of this article, the term 'personal property' shall not include a working interest in any oil, natural gas, or natural gas liquid producing property or any property of a public service company.

(9) 'Personal property taxes paid' means the aggregate of regular levies, excess levies and bond levies extended against personal property that are paid during the calendar year and determined after any application of any discount for early payment of taxes. 'Personal property taxes paid' does not include any untimely ad valorem property tax paid, or any payment of delinquent ad valorem property tax, or payment of 'back tax' ad valorem property taxes, or any penalty or interest for late payment of property taxes.

(10) 'Public service company' means a corporation or other business entity which delivers services considered essential to the public interest that are regulated by the applicable federal or state regulatory body, including, but not limited to, businesses furnishing electricity, natural gas, telecommunications, and water, and those transporting personal property or passengers, including, but not limited to, airlines, railroads, trucking, and bus companies, and which are centrally assessed by the state for property tax purposes.

(11) 'Real property taxes paid' means the aggregate of regular levies, excess levies and bond levies that are paid during the calendar year and determined after any application of any discount for early payment of taxes. 'Real property taxes paid' does not include any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of 'back tax' *ad valorem* property taxes, or any penalty or interest for late payment of property taxes.

§11-13MM-3. Motor vehicle property tax adjustment credit.

(a) Credit allowed. — There shall be allowed to every eligible taxpayer a credit, as determined under this section, against the tax imposed under §11-21-1 *et seq.* of this code, or against the tax imposed under §11-24-1 *et seq.* of this code, as applicable.

(b) 'Eligible taxpayer' defined.—

(1) 'Eligible taxpayer' – Owned motor vehicles — 'Eligible taxpayer' means any person who owns a motor vehicle for which the *ad valorem* property tax has been paid during the corporation net income tax taxable year or the personal income tax taxable year, as applicable. For purposes of this definition, ownership of a motor vehicle includes ownership and possession of a motor vehicle for which a title has been issued by the Division of Motor Vehicles to the eligible taxpayer. For purposes of this definition, ownership of a motor vehicle also includes ownership and possession of a motor vehicle, subject to a purchase financing arrangement whereby a financial institution holds a lien on the motor vehicle, or for which ultimate issuance of title by the Division of Motor Vehicles to the taxpayer, as owner of the motor vehicle, is contingent upon payment in full of the purchase price of the motor vehicle pursuant to an installment payment financing arrangement.

(2) 'Eligible taxpayer' – Leased motor vehicles — 'Eligible taxpayer' also means and includes any lessor of a motor vehicle, as herein defined, who owns a motor vehicle for which the *ad valorem* property tax has been paid during the corporation net income tax taxable year or the personal income tax taxable year, as applicable: *Provided, That*, the lessor shall pass on to the lessee the value of the tax credit asserted by the lessor by causing a decreasing in the amount of rent or lease payment payable by the lessee on the leased motor vehicle.

(3) 'Eligible taxpayer' – Pass through entities — 'Eligible taxpayer' also means and includes any owner, interest holder, partner or S corporation shareholder that derives conduit income from a pass-through entity.

(4) 'Eligible taxpayer' – Prohibition for motor vehicle dealers — 'Eligible taxpayer' does not mean or include any motor vehicle dealer, motor vehicle dealership, retailer or any business that sells new or used motor vehicles at the retail level, other than a lessor of motor vehicles. In circumstances where any such motor vehicle dealer, motor vehicle dealership, retailer or business that sells new or used motor vehicles at the retail level is engaged in both retail sales of motor vehicles, and leasing of motor vehicles as lessor, the tax credit authorized by this article may only be asserted by such business based upon the *ad valorem* property tax paid on leased motor

vehicles, and only to the extent that the lessor has passed on, to the lessee, the value of the tax credit asserted by the lessor by causing a decreasing in the amount of rent or lease payment payable by the lessee on the leased motor vehicle. No credit may be asserted or applied by the business based upon *ad valorem* property tax paid on motor vehicle retail inventories, not actively leased to lessees. To the extent that motor vehicle retail inventories may be held as both motor vehicle retail inventories, and as motor vehicles potentially subject to lease during the taxable year, *ad valorem* property tax paid on such motor vehicles is excluded from eligibility for the tax credit authorized by this article.

(c) *Amount of credit.* – The amount of credit allowed under this article to the eligible taxpayer is the amount of West Virginia *ad valorem* property tax timely paid during the personal income taxable year or the corporation net income tax taxable year, as applicable, to a county sheriff on the value of a motor vehicle owned by the eligible taxpayer: *Provided*, That in no case shall any credit be allowed under this article for any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of 'back tax' *ad valorem* property taxes.

(d) *Application of credit against personal income tax and corporation net income tax.* –

(1) Personal income tax – If the eligible taxpayer is subject to the personal income tax imposed by §11-21-1 *et seq.* of this code, the amount of credit allowed shall be taken against the personal income tax liability of the eligible taxpayer for the current personal income tax taxable year.

(2) Corporation net income tax — If the eligible taxpayer is subject to the corporation net income tax imposed by §11-24-1 *et seq.* of this code, the amount of credit allowed shall be taken against the corporation net income tax liability of the eligible taxpayer for the current corporation net income tax taxable year.

(e) *Refundable portion of annual credit allowance.* — If annual tax credit allowed under this article exceeds the amount of personal income tax or corporation net income tax, as applicable, subject to offset under this article in any taxable year, the eligible taxpayer may claim, for that taxable year, the excess amount as a refundable tax credit.

(f) *Transfer or sale of the motor vehicle.* —

(1) Where there is a sale or transfer of the motor vehicle from an eligible taxpayer to any other person or entity, the transferor retains entitlement to the tax credit authorized under this article for the timely paid *ad valorem* property tax paid by the transferor in the transferor's personal income tax taxable year or corporation net income tax taxable year, as applicable, on the transferred motor vehicle.

(2) If the transferee meets all requirements for qualification as an eligible taxpayer under this article and meets all requirements for entitlement to the tax credit authorized under this article, then the transferee shall be entitled to the tax credit authorized under this article for the timely paid *ad valorem* property tax paid by the transferee in the transferee's personal income tax taxable year or corporation net income tax taxable year, as applicable on the eligible motor vehicle.

(3) In no case shall the transferor and the transferee take the tax credit authorized under this article for the same taxable year.

(g) *Annual schedule.* — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section. For purposes of asserting the credit

against tax, the taxpayer shall prepare and file an annual schedule showing the amount of personal income tax paid for the taxable year, and the amount of property tax paid on the motor vehicle for the taxable year, and the amount of credit allowed under this article. The annual schedule shall set forth the information and be in the form prescribed by the Tax Commissioner.

§11-13MM-4. Disabled veteran real property tax credit.

(a) Credit allowed. — Disabled veterans may receive a tax credit against the tax imposed under §11-21-1 et seq. of this code in the amount of West Virginia ad valorem property tax timely paid on his or her homestead during the personal income taxable year.

(b) Amount of credit. — Any homeowner meeting the definition of a disabled veteran under this article, shall be allowed a refundable credit against the taxes imposed by §11-21-1 et seq. of this code equal to the amount of West Virginia ad valorem real property taxes timely paid a county sheriff on a homestead which is used or occupied exclusively for residential purposes, as those terms are defined in §11-6B-2, during the personal income taxable year: *Provided*, That in no case shall any credit be allowed under this article for any untimely real property tax paid, or any payment of delinquent real property tax, or payment of 'back tax' real property taxes.

(c) Application of credit against personal income tax. — The amount of credit allowed under this section shall be taken against the personal income tax liability, imposed by article §11-21-1 et seq. of this code, of the eligible taxpayer.

(d) Refundable portion of annual credit allowance. — If annual tax credit allowed under this article exceeds the amount of personal income tax subject to offset under this article in any taxable year, the eligible taxpayer may claim, for that taxable year, the excess amount as a refundable tax credit.

(e) Termination of tax credit. — Any tax credit approved in accordance with the provisions of this section shall terminate immediately when any of the following events occur:

(1) The death of the owner of the property for which the tax credit was authorized;

(2) The sale of the property for which the tax credit was approved; or

(3) A determination by the assessor that the property for which the tax credit was approved no longer qualifies for the tax credit in accordance with the provisions of this section.

(f) Forms and instructions. — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section.

§11-13MM-5. Small business property tax adjustment credit.

(a) Credit allowed. — There shall be allowed to every eligible small business taxpayer a credit, as determined under this section, against the tax imposed under §11-21-1 et seq. of this code, or against the tax imposed under §11-24-1 et seq. of this code, as applicable.

(b) Definitions – The following definitions apply to this section:

(1) 'Aggregate appraised value' means the true and actual value of all property in the state owned by the eligible taxpayer including the true and actual value of all property of any related entity;

(2) 'Related entity' means:

(A) An individual, corporation, partnership, affiliate, association or trust or any combination or group thereof controlled by the taxpayer;

(B) An individual, corporation, partnership, affiliate, association or trust or any combination or group thereof that is in control of the taxpayer;

(C) An individual, corporation, partnership, affiliate, association or trust or any combination or group thereof controlled by an individual, corporation, partnership, affiliate, association or trust or any combination or group thereof that is in control of the taxpayer; or

(D) A member of the same controlled group as the taxpayer.

For purposes of this section, 'control', with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty percent or more of the total combined voting power of all classes of the stock of the corporation which entitles its owner to vote. 'Control', with respect to a trust, means ownership, directly or indirectly, of fifty percent or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the United States Internal Revenue Code, as amended: *Provided*, That paragraph (3) of section 267(c) of the United States Internal Revenue Code shall not apply.

(3) 'Small business' means a business with personal property located in this state with an aggregate appraised value of \$1 million or less; *Provided*, That, for the purposes of this section, 'small business' does not include any person holding a working interest in any oil, natural gas, or natural gas liquid producing property or any public service company that is centrally assessed by the state for property tax purposes.

(c) *Amount of credit.* — The amount of credit allowed pursuant to this article to the eligible small business taxpayer is 50% of the amount of West Virginia *ad valorem* property tax due and owing and timely paid to a county sheriff by the eligible taxpayer on personal property, as that term is defined in this article: *Provided*, That in no case shall any credit be allowed under this article for any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of 'back tax' *ad valorem* property taxes.

(d) *Application of credit against personal income tax and corporation net income tax.* — The amount of credit determined under this section is allowed as a credit against 100 percent of that portion of the taxpayer's state income tax liability and applied as provided in subsections (1) and (2), and in that order.

(1) *Corporation net income taxes.* — If the eligible taxpayer is subject to the corporation net income tax imposed by §11-24-1 *et seq.* of this code, the amount of credit allowed shall be taken against the corporation net income tax liability of the eligible taxpayer for the current corporation net income tax taxable year.

(2) Personal income taxes. — If the small business taxpayer is an electing small business corporation, as defined in section 1361 of the United States Internal Revenue Code, a partnership, a limited liability company that is treated as a partnership for federal income tax purposes, or a sole proprietorship, then any unused credit is allowed as a credit against the taxes imposed by §11-21-1 et seq. of this code.

(3) Electing small business corporations, limited liability companies treated as partnerships for federal income tax purposes, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its members in the same manner as profits and losses are allocated for the taxable year.

(4) No credit is allowed under this section against any employer withholding taxes imposed by §11-21-1 et seq. of this code.

(e) Refundable portion of annual credit allowance. — If the annual tax credit allowed under this article exceeds the amount of personal income tax or corporation net income tax, as applicable, subject to offset under this article in any taxable year, the eligible taxpayer may claim, for that taxable year, the excess amount as a refundable tax credit.

(f) Annual schedule. — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section. For purposes of asserting the credit against tax, the taxpayer shall prepare and file an annual schedule showing the amount of personal income tax paid for the taxable year, and the amount of property tax paid on the personal property subject to *ad valorem* property taxation pursuant to this chapter and pursuant to Article X of the Constitution of this State, as applicable for the taxable year, and the amount of credit allowed pursuant to this article. The annual schedule shall set forth the information and be in the form prescribed by the Tax Commissioner.

§11-13MM-6. Rulemaking.

The Tax Commissioner may promulgate such interpretive, legislative, and procedural rules as the commissioner deems to be useful or necessary to carry out the purpose of §11-13MM-1 et seq. of this code and to implement the intent of the Legislature. All rules shall be promulgated in accordance with the provisions of §29A-3-1 et seq. of this code.

§11-13MM-7. Annual Reports.

The Tax Commissioner shall make an annual report, as soon as possible after the close of each tax year, of the actions taken by the West Virginia Tax Division with respect to the tax credits authorized pursuant to this article. This report shall be filed with the Joint Committee on Government and Finance. The report shall include at a minimum the amount of the credit claimed in the preceding tax year in each of the categories set forth in this article. Information set forth in the report shall be subject to the confidentiality restrictions of §11-10-1 et seq. of this code, and shall be redated and otherwise formatted and presented so as to preserve the confidentiality of taxpayers and tax information.

11-13MM-8. Tax administration and procedures.

(a) Each and every provision of the 'West Virginia Tax Procedure and Administration Act' set forth in §11-10-1 et seq. of this code applies to the tax credits allowed under §11-13MM-1 et seq. of this code, except as otherwise expressly provided in this article, with like effect as if that act

were applicable only to the tax credit allowed by §11-13MM-1 et seq. of this code and were set forth *in extenso* in this article.

(b) Each and every provision of the ‘West Virginia Tax Crimes and Penalties Act’ set forth in §11-9-1 et seq. of this code applies to the tax credit allowed by §11-13MM-1 et seq. of this code with like effect as if that act were applicable only to the tax credit §11-13MM-1 et seq. of this code and were set forth *in extenso* in this article.

§ 11-13MM-9. Severability.

(a) If any provision of §11-13MM-1 et seq. of this code, or the application thereof, is for any reason adjudged by any court of competent jurisdiction to be invalid, the judgment may not affect, impair, or invalidate the remainder of §11-13MM-1 et seq. of this code, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered, and the applicability of the provision to other persons or circumstances may not be affected thereby.

(b) If any provision of §11-13MM-1 et seq. of this code, or the application thereof, is made invalid or inapplicable by reason of the repeal or any other invalidation of any statute therein addressed or referred to, such invalidation or inapplicability may not affect, impair, or invalidate the remainder of §11-13MM-1 et seq. of this code, but shall be confined in its operation to the provision thereof directly involved with, pertaining to, addressing, or referring to the statute, and the application of the provision with regard to other statutes or in other instances not affected by any such repealed or invalid statute may not be abrogated or diminished in any way.

§11-13MM-10. Effective Date.

This article shall be effective for personal income taxable years beginning on or after January 1, 2024, and for corporation net income tax taxable years beginning on or after January 1, 2024. Subject to the restrictions, limitations and requirements set forth in this article, *ad valorem* property tax timely paid in the personal income tax taxable year, or the corporation net income tax taxable year, as applicable, beginning on or after January 1, 2024, may qualify for the tax credits specified in this article.

ARTICLE 21. PERSONAL INCOME TAX

§11-21-4g Rate of tax — Taxable years beginning on and after January 1, 2023.

(a) *Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, and estates and trusts.* — The tax imposed by §11-21-3 of this code on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust shall be determined in accordance with the following table:

If the West Virginia taxable

income is:

The tax is:

<u>Not over \$10,000</u>	<u>2.36% of the taxable income</u>
<u>Over \$10,000 but not over \$25,000</u>	<u>\$236 plus 3.15% of excess over \$10,000</u>
<u>Over \$25,000 but not over \$40,000</u>	<u>\$708.50 plus 3.54% of excess over \$25,000</u>
<u>Over \$40,000 but not over \$60,000</u>	<u>\$1,239.50 plus 4.72% of excess over</u> <u>\$40,000</u>
<u>Over \$60,000</u>	<u>\$2,183.50 plus 5.12% of excess over</u> <u>\$60,000</u>

(b) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by §11-21-3 of this code on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia taxable

income is:

The tax is:

<u>Not over \$5,000</u>	<u>2.36% of the taxable income</u>
<u>Over \$5,000 but not over \$12,500</u>	<u>\$118 plus 3.15% of excess over \$5,000</u>
<u>Over \$12,500 but not over \$20,000</u>	<u>\$354.25 plus 3.54% of excess over \$12,500</u>
<u>Over \$20,000 but not over \$30,000</u>	<u>\$619.75 plus 4.72% of excess over \$20,000</u>
<u>Over \$30,000</u>	<u>\$1,091.75 plus 5.12% of excess over</u> <u>\$30,000</u>

(c) Effect of rates on Nonresident Composite and Withholding Obligations — Notwithstanding any provision of this article to the contrary, for taxable years beginning on and after the retroactive date specific in §11-21-4g(d) of this code, whenever the words ‘six and one-half percent’ appear in §11-21-51a, §11-21-71a, §11-21-71b, or §11-21-77, of this article, with relation to a tax return of, or the tax rate imposed on income of individuals, individuals filing joint returns, heads of households, and estates and trusts, the stated percentage shall be changed to 5.12%.

(d) Applicability of this section. — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply retroactively for all taxable years beginning on and after January 1, 2023, and shall be in lieu of the rates of tax specified in §11-21-4e of this code.

§11-21-4h Future personal income tax reductions.

(a) For the purposes of this section, the terms defined in this section have the meanings ascribed to them unless a different meaning is clearly required by the context in which the term is used:

(1) 'Adjusted consumer price ratio' means the fiscal year consumer price index divided by the base year consumer price index.

(2) 'Adjusted general revenue fund collections' means all net general revenue fund collections minus the net general revenue fund collections related to the imposition of the taxes imposed under the provisions of §11-13A-1, et seq. of this code.

(3) 'Base year revenues' means actual general revenue fund collections for 2019 fiscal year, which is \$4,293,884,754

(4) 'Base year consumer price index' means a 12-month average of the not seasonally adjusted Consumer Price Index for all urban consumers for the months between July 2018 and June 2019.

(5) 'Excess fiscal year general revenue fund collections' means the positive difference from subtracting the inflation adjusted base year revenues from the adjusted general revenue fund collections from the immediately preceding fiscal year.

(6) 'Fiscal year consumer price index' means a 12-month average of the not seasonally adjusted Consumer Price Index for all urban consumers for the months between July and June of the immediately preceding fiscal year.

(7) 'Inflation adjusted base year revenues' means the base year general revenue fund collections multiplied by the adjusted consumer price ratio.

(b) *Future personal income tax rate reductions.* — Beginning on August 15, 2024, and every August 15 thereafter, the Secretary of Revenue will determine whether the total fiscal year adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues. If the total fiscal year adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues, then there will be a reduction in the personal income tax rates as determined under this section beginning in the next taxable year.

(c) *Determination of rate.* — In order to determine the amount of a personal income tax reduction, the excess fiscal year general revenue fund collections will be divided by the amount of the immediately preceding fiscal year's total personal income tax collections for all funds and will be rounded down to the nearest whole percentage. The amount of the percentage of reduction will be applied equally across the tax rates applicable in the tax year immediately preceding the rate reduction: *Provided*, That reduction in personal income tax rates may not result in an amount larger than a 10% reduction in the rates set forth in §11-21-4e of this code.

(d) *Certification of reduction.* — The Secretary of Revenue and the State Auditor will certify to the Tax Commissioner that a rate change is required under this section as soon as possible after August 15 so that the Tax Commissioner may notify taxpayers of any change in personal income tax rates. The certification will provide base year revenues, the total fiscal year general revenue fund collections from the immediately preceding fiscal year, the base year consumer price index, the fiscal year consumer price index, the adjusted consumer price ratio, the amount of inflation adjusted base year revenues, the amount of excess fiscal year general revenue fund collections and the amount of the immediately preceding fiscal year's total personal income tax collections for all funds.

(e) Applicability of this section. — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply for all taxable years beginning on and after January 1, 2025, and shall be in lieu of the rates of tax specified in §11-21-4g of this code.

(f) Annual Reports. — The Tax Commissioner shall prepare an annual report to the Joint Committee on Government and Finance detailing any relevant modifications to the personal income tax.

(g) Rulemaking. — Notwithstanding any provision of this code to the contrary, the Tax Commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code explaining and implementing this section.

And,

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

Com. Sub. for H. B. 2526 – “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10; and to amend said code by adding thereto two new sections, designated §11-21-4g and §11-21-4h, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying the rates retroactively to January 1, 2023; providing for additional reductions in the personal income tax rates when certain criteria have been met; providing for a method for calculating the rate reduction and cap on the reduction; providing for certification to the Tax Commissioner; authorizing a refundable tax credit applied against personal income tax or corporation net income tax based upon amount of property tax timely paid on motor vehicles; providing for the treatment of credit upon transfer of eligible motor vehicle; authorizing a refundable tax credit applied against personal income tax based upon the amount of real property tax timely paid on a homestead owned by eligible disabled veterans; authorizing a refundable tax credit against corporation net income tax or personal income tax based upon 50% of property tax timely paid on personal property owned by a small business; designating a short title; providing findings and purpose; defining terms; providing for the application of tax credits; allowing rulemaking; providing for annual reports to the legislature; and providing effective dates.”

The Speaker ruled, under the provisions of House Rule 49, that all Delegates, in relation to car ownership, were members of a class of persons possibly to be affected and did not excuse the Members from voting on the motion or the bill.

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. 482**), and there were— yeas 79, nays 14, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Cooper, Dean, Fluharty, Garcia, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Ferrell, Hott, Reynolds, Ross, Storch and Westfall.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 483**), and there were—yeas 89, nays 4, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Hansen, Pushkin, Walker and Williams.

Absent and Not Voting: Bridges, Ferrell, Hott, Reynolds, Ross, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2526) passed.

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

On this question, the yeas and nays were taken (**Roll No. 484**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ferrell, Hott, Reynolds, Ross, Storch and Westfall.

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. 2526) takes effect from its passage.

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

Special Calendar

-continued-

Unfinished Business

H. C. R. 15, Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

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

Com. Sub. for S. C. R. 17, US Navy PO2 Phillip Joseph "PJ" Hainer Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

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

H. C. R. 62, U.S. Army PFC Clayton Collins Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained. The yeas and nays having been ordered, they were taken (**Roll No. 485**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Burkhammer, Ferrell, Hott, Kirby, Kump, Reynolds, Skaff, Storch and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

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

H. C. R. 64, U. S. Army Air Corps PVT-II Charles A. White Memorial Road proposals; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

At the request of Delegate Householder, and by unanimous consent, the House of Delegates returned to the Twelfth Order of Business to consider bills on Third Reading.

Third Reading

-continued-

Com. Sub. for S. B. 51, Requiring impact statement in certain instances of school closing or consolidation; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

S. B. 131, Allowing municipal fire marshals to receive service weapon upon retirement; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 486**), and there were—yeas 84, nays 1, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Bridges, Burkhammer, Chiarelli, Cooper, Fehrenbacher, Ferrell, Foggin, Hott, Kump, E. Pritt, Reynolds, Skaff, Smith, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 131) passed.

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

Com. Sub. for S. B. 205, Relating to registration plates; 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. 487**), and there were—yeas 86, nays 1, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Young.

Absent and Not Voting: Bridges, Chiarelli, Cooper, Fehrenbacher, Ferrell, Hornby, Hott, Kump, E. Pritt, Reynolds, Skaff, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 205) passed.

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

S. B. 246, Revising membership of Broadband Enhancement Council; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 488**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Chiarelli, Cooper, Ferrell, Hornby, Hott, Kump, E. Pritt, Reynolds, Skaff, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 246) passed.

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

Com. Sub. for S. B. 439, Establishing design-build program for DEP; 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. 489**), and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall and Vance.

Absent and Not Voting: Bridges, Cooper, Ferrell, Hott, Kump, Reynolds, Skaff, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 439) passed.

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

On this question, the yeas and nays were taken (**Roll No. 490**), and there were—yeas 88, nays 4, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon, A. Hall, McGeehan and Vance.

Absent and Not Voting: Bridges, Cooper, Ferrell, Hott, Kump, Reynolds, Storch and Westfall.

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. 439) takes effect from its passage.

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

Com. Sub. for S. B. 463, Increasing validity of CDL instruction permit; 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. 491**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Ferrell, Hott, Kump, Reynolds, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 463) passed.

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

S. B. 591, Allowing counties and municipalities to jointly undertake development projects; 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. 492**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Ferrell, Hott, Kump, Longanacre, Reynolds, Storch and Westfall.

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.

S. B. 609, Obtaining approval for decommissioning or deconstructing of existing power plant; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on Energy and Manufacturing, and adopted, on page 1, section 5c, on line 1, after the word "existing" and before the word "power" by inserting the words "coal, oil, or natural gas fueled";

And,

On page 1, section 5c, on line 4, before the word “power” by inserting the words “coal, oil, or natural gas fueled”.

On motion of Delegates Steele and Anderson, the bill was amended on page 1, section 5c, line 2, after the word authority by striking the period and inserting in lieu thereof a colon and the following:

“Provided, That such approval may not be unreasonably withheld.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 493**), and there were—yeas 87, nays 5, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Hansen, Hornbuckle, Pushkin, Walker and Young.

Absent and Not Voting: Bridges, Cooper, Ferrell, Hott, Kump, Reynolds, Storch and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 609) passed.

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

S. B. 609 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5D-1-5c, relating to and requiring the approval of the Public Energy Authority before decommissioning or deconstructing an existing coal, oil, and natural gas fueled electric power plant; requiring the submission of a petition containing certain specified information; providing for rule-making authority; and exempting certain power plants from the approval requirement.”

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

On this question, the yeas and nays were taken (**Roll No. 494**), and there were—yeas 87, nays 3, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Hansen, Walker and Young.

Absent and Not Voting: Bridges, Cooper, Ferrell, A. Hall, Hott, Kump, Linville, Reynolds, Storch and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 609) takes effect from its passage.

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

Com. Sub. for S. B. 613, Relating generally to certificates of need; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill was postponed one day.

Second Reading

S. B. 142, Modifying procedures to settle estates of decedents; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on the Judiciary, and adopted, on page 4, section 4a, line 26, by inserting "distributee and" after the word 'each'; and, on page 4, section 4a, line 28 by inserting "distributee and" after the word 'any';

And,

On page 9, section 9, line 9 by striking "II" and inserting "I" in lieu thereof; and, on page 9, section 9, line 11, by striking the word "first".

The bill was then ordered to third reading.

S. B. 237, Relating to Public Employees Retirement System and State Teachers Retirement System; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 335, Authorizing Department of Homeland Security to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Finance, and adopted, on page 6, section 3, line 4, by striking "§16-5-1" and inserting in lieu thereof "§16-5V-1".

The bill was then ordered to third reading.

Com. Sub. for S. B. 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Finance, and adopted, on 49, section 25, line 40, by striking "§18-17A-28" and inserting in lieu thereof "§18-7A-28";

And, on page 49, section 25, line 41, by striking "§18-17A-28" and inserting in lieu thereof "§18-7A-28". f

The bill was then ordered to third reading.

Com. Sub. for S. B. 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 455, Modifying certain used car restrictions; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 458, Setting rate of interest on delinquent retirement contribution submissions; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 468, Continuing Cabwaylingo State Forest Trail System; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Nestor, the bill was amended on page 1, section 3a, lines 15 through 19, by striking the new language in lines 15 through 19 and inserting in lieu thereof the following:

“The Parks and Recreation Section of the Division of Natural Resources is prohibited from establishing any additional ATV, ORV, or UTV trail systems within state parks and state forests: *Provided*, That the Director of the Division of Natural Resources shall have the authority to authorize the development and use of certain connector trails, roads, and parking areas from private systems, including, without limitation, the Hatfield-McCoy systems, solely for the purpose of providing access to state park and state forest recreational facilities and lodging by ATV, ORV, and UTV trail system users.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 475, Modifying examinations for disability pensions; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 529, Allowing businesses to register as limited liability limited partnerships; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2914, Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2927, Supplementing and amending appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitations - Correctional Units; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3065, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3067, Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3074, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3108, Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 267, Updating law regarding prior authorizations,

Com. Sub. for S. B. 273, Relating to allocation of child protective workers in counties based upon population of county,

And,

Com. Sub. for S. B. 476, Exempting managed care contracts from purchasing requirements.

At the request of Delegate Householder, and by unanimous consent, the House of Delegates returned to the second order of business to finish the Order of Business.

Committee Reports

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

By Delegates Summers, Espinosa, Gearheart, Horst, Hott, Riley, Barnhart, Mazzocchi, Anderson and Rowe:

H. B. 3553 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023."

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

Your Committee on Education has had under consideration:

S. B. 99, Relating to meetings among county boards of education,

And,

Com. Sub. for S. B. 688, Allowing BOE to hire retired teachers to assist with tutoring,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 282, Creating WV Guardian Program,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 282) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 216, Requiring all schools to instruct students on Holocaust, other genocides and financial literacy,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 216) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2907, Supplementing and amending appropriations to the Department of Administration, Division of General Services,

H. B. 2913, Supplementing and amending appropriations to the DHHR, Consolidated Medical Services Fund,

H. B. 3039, Making a supplementary appropriation to Adjutant General - State Militia,

H. B. 3073, Supplementing and amending appropriations to Adjutant General - State Militia,

H. B. 3563, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

H. B. 3564, Making a supplementary appropriation to the Division of Human Services - Energy Assistance,

S. B. 452, Relating to Emergency Medical Services Retirement System,

And,

S. B. 487, Extending additional modification reducing federal adjusted gross income,

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

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

Your Committee on Finance has had under consideration:

H. B. 2905, Supplementing and amending appropriations to State Board of Education - State Department of Education - Classroom Aide Program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2905 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,"

And,

H. B. 2928, Supplementing and amending appropriations to DHHR, Division of Health,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2928 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023,"

With the recommendation that the committee substitutes each do pass.

Delegate Criss, 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. 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System,

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

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. 356, Authorizing DOT to promulgate legislative rules,

And,

Com. Sub. for S. B. 462, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement,

S. B. 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises,

Com. Sub. for S. B. 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media,

And,

S. B. 559, Relating to spousal privilege,

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

Messages from the Senate

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:

H. B. 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023.

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:

H. B. 2597, Amending performance evaluations of professional personnel.

A message from the Senate, by

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

Com. Sub. for H. B. 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

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:

H. B. 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 3113, Requiring high school students to complete course of study in personal finance.

A message from the Senate, by

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

Com. Sub. for H. B. 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

A message from the Senate, by

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

H. B. 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

A message from the Senate, by

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

H. B. 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles.

A message from the Senate, by

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

H. B. 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division.

A message from the Senate, by

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

H. B. 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health.

A message from the Senate, by

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

H. B. 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources.

A message from the Senate, by

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

H. B. 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority.

A message from the Senate, by

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

H. B. 3527, Supplementing and amending appropriations to Department of Education, School Building Authority.

A message from the Senate, by

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

H. B. 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 553, Allowing for evaluation of prequalified bidders to be based on best value.

Motions

At the request of Delegate Ridenour, consent was obtained for the comments of the Delegate regarding H. C. R. 62 be printed in the Appendix to the Journal.

At 5:47 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 6, 2023.

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

SPECIAL CALENDAR

Monday, March 6, 2023

55th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR)
- S. B. 142 - Modifying procedures to settle estates of decedents (CAPITO) (REGULAR)
- S. B. 237 - Relating to Public Employees Retirement System and State Teachers Retirement System (CRISS) (JULY 1, 2023)
- Com. Sub. for S. B. 335 - Authorizing Department of Homeland Security to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- S. B. 449 - Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools (CRISS) (REGULAR)
- Com. Sub. for S. B. 450 - Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board (CRISS) (REGULAR)
- Com. Sub. for S. B. 453 - Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor (CRISS) (REGULAR)
- Com. Sub. for S. B. 455 - Modifying certain used car restrictions (LINVILLE) (REGULAR)
- S. B. 458 - Setting rate of interest on delinquent retirement contribution submissions (CRISS) (REGULAR)
- Com. Sub. for S. B. 468 - Continuing Cabwaylingo State Forest Trail System (HOWELL) (REGULAR)
- Com. Sub. for S. B. 475 - Modifying examinations for disability pensions (CRISS) (JULY 1, 2023)
- S. B. 529 - Allowing businesses to register as limited liability limited partnerships (CAPITO) (REGULAR)
- Com. Sub. for S. B. 613 - Relating generally to certificates of need (SUMMERS) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 2911 - Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2914 - Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2927 - Supplementing and amending appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitations - Correctional Units (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3040 - Supplementing and amending appropriations to the Department of Administration, Office of the Secretary (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3065 - Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3067 - Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3074 - Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3108 - Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority (CRISS) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for S. B. 267 - Updating law regarding prior authorizations (SUMMERS) (REGULAR)
- Com. Sub. for S. B. 273 - Relating to allocation of child protective workers in counties based upon population of county (SUMMERS) (EFFECTIVE FROM PASSAGE) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 476 - Exempting managed care contracts from purchasing requirements (SUMMERS) (EFFECTIVE FROM PASSAGE) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]

FIRST READING

- S. B. 99 - Relating to meetings among county boards of education (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 191 - Relating to liability for payment of court costs as condition of pretrial diversion agreement (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

- Com. Sub. for S. B. 356 - Authorizing DOT to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 451 - Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System (CRISS) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- S. B. 452 - Relating to Emergency Medical Services Retirement System (CRISS) (REGULAR)
- S. B. 457 - Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 462 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers (CAPITO) (REGULAR)
- S. B. 487 - Extending additional modification reducing federal adjusted gross income (CRISS) (REGULAR)
- Com. Sub. for S. B. 558 - Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 559 - Relating to spousal privilege (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 688 - Allowing BOE to hire retired teachers to assist with tutoring (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2905 - Supplementing and amending appropriations to State Board of Education - State Department of Education - Classroom Aide Program (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2907 - Supplementing and amending appropriations to the Department of Administration, Division of General Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2913 - Supplementing and amending appropriations to the DHHR, Consolidated Medical Services Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2928 - Supplementing and amending appropriations to DHHR, Division of Health (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3039 - Making a supplementary appropriation to Adjutant General - State Militia (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3073 - Supplementing and amending appropriations to Adjutant General - State Militia (CRISS) (EFFECTIVE FROM PASSAGE)

- H. B. 3553 - Supplementing and amending appropriations to Department of Health and Human Resources (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3563 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3564 - Making a supplementary appropriation to the Division of Human Services - Energy Assistance (CRISS) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Monday, March 6, 2023

55th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- H. B. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 160 - WV Rail Trails Program (HOWELL) (REGULAR) [ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE AMENDMENT PENDING]
- S. B. 597 - Allowing Workforce WV to hire classified service exempt employees (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- H. B. 3427 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility (CRISS) (REGULAR)
- H. B. 3430 - To prohibit the bureau from assessing a fee upon local health departments (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3484 - Relating to SNAP benefits (PHILLIPS) (REGULAR)
- H. B. 3487 - Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans (SUMMERS) (REGULAR)

H. B. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

FIRST READING

Com. Sub. for S. B. 121 - Creating Student Journalist Press Freedom Protection Act (CAPITO) (REGULAR)

S. B. 533 - Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations (PHILLIPS) (REGULAR)
[GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 539 - Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget (PHILLIPS) (REGULAR)

Com. Sub. for S. B. 656 - Verifying legal employment status of workers to governmental agencies (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

Com. Sub. for H. B. 2189 - To create the "Protection of Property from Warrantless Searches Act." (CAPITO) (REGULAR)

Com. Sub. for H. B. 3421 - Recodifying the code to eliminate conflicts (CAPITO) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

MONDAY, MARCH 6, 2023

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 410 - M

COMMITTEE ON EDUCATION

9:00 A.M. – ROOM 432 - M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON GOVERNMENT ORGANIZATION

1:00 P.M. – ROOM 215 - E

COMMITTEE ON FINANCE

3:00 P.M. – ROOM 460 - M

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