

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4067**

BY DELEGATES SUMMERS, STEELE AND FOSTER

[Introduced January 13, 2022; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §5-11B-7 of the Code of West Virginia, 1931, as amended; to amend  
 2 and reenact §5A-6C-4 of said code; to repeal §8-13C-13 of said code; to amend and  
 3 reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend  
 4 and reenact §16-1-21 of said code; to amend and reenact §16-33-6 of said code; to repeal  
 5 §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §29-6-7a of said code;  
 6 to repeal §22A-6-11 of said code; to repeal §22A-6-12 of said code; to repeal §22A-6-13  
 7 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-  
 8 18-24 of said code, to amend and reenact §31-18-28 of said code; and to repeal §33-25A-  
 9 35 of said code; all relating to making certain agency reports electronic rather than in  
 10 printed hard-copy form; and eliminating the reporting requirement entirely for those  
 11 agencies whose reports are no longer needed or whose deadlines have passed with  
 12 reports already submitted.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.**

**§5-11B-7. Reports.**

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

6 may be requested by a member and provided upon request.

## **CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

### **ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.**

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

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

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

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

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

#### **§8-13C-13. Study.**

1 [Repealed.]

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

### **ARTICLE 7. JOBS INVESTMENT TRUST FUND.**

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

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

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

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

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

## **CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

### **ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.**

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

1 The West Virginia Legislative Claims Commission shall prepare and transmit annually to  
2 the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims  
3 Commission under this article. The report shall include the number of claims filed, the number of  
4 awards made and the amount of each award, and a statistical summary of claims and awards  
5 made and denied; the balance in the Crime Victims Compensation Fund with a listing by source  
6 and amount of the moneys that have been deposited in the fund; the amount that has been  
7 withdrawn from the fund, including separate listings of the administrative costs incurred by the  
8 West Virginia Legislative Claims Commission, compensation of commissioners and commission  
9 personnel, the amount awarded as attorneys' fees. The report shall be transmitted to the  
10 Governor and members of the Legislature electronically. Further, the report shall be provided to  
11 the legislative librarian to be posted to the legislative website. No hard copy of the report shall be

12 issued; however, a hard copy may be requested and provided upon request.

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

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

1           The Bureau for Public Health shall create a Diabetes Action Plan. The action plan shall  
2 include the following: (a) Convening a diabetes task force consisting of a cross-sector of  
3 stakeholders to develop the scope of the plan; (b) conducting necessary data and  
4 infrastructure/gap analyses; (c) drafting a plan to include long and short term goals, high impact  
5 and outcome driven strategies for prevention, disease management and treatment, and  
6 evaluation strategies to be published for public comment; (d) produce briefing documents in  
7 support of and promoting the use of strategies outlined in the plan for distribution to stakeholders;  
8 (e) finalize and share the completed plan; (f) track and trend relevant statistics regarding diabetes;  
9 and (g) implement strategies identified in the plan to decrease the prevalence of diabetes in West  
10 Virginia. The plan shall be completed and presented to the Legislative Oversight Commission on  
11 Health and Human Resources Accountability by January 1, 2021. The plan shall be transmitted  
12 to the members of the Legislative Oversight Commission on Health and Human Resources  
13 Accountability electronically. Further, the report shall be provided to the legislative librarian to be  
14 posted to the legislative website. No hard copy of the report shall be issued; however, a hard copy  
15 may be requested and provided upon request.

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

#### **§16-33-6. Annual report.**

1           The director shall submit an annual report to the Governor and the Legislature concerning  
2 the operation of the breast and cervical cancer detection and education program including  
3 available data and assessment. Such report shall also include any recommendations for

4 additional action to respond to the high incidence of breast and cervical cancer in this state. The  
 5 plan shall be transmitted to Governor and members of the Legislature electronically. Further, the  
 6 report shall be provided to the legislative librarian to be posted to the legislative website. No hard  
 7 copy of the report shall be issued; however, a hard copy may be requested and provided upon  
 8 request.

**ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.**

**§16-41-6. Reporting requirements.**

1 [Repealed.]

**CHAPTER 18. EDUCATION.**

**ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.**

**§18-10L-7. Report.**

1 [Repealed.]

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

**ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.**

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

1 [Repealed.]

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

1 [Repealed.]

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

1 [Repealed.]

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 6. CIVIL SERVICE SYSTEM.**

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

1 [Repealed.]

## CHAPTER 31. CORPORATIONS.

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

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

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

5 (2) The Greenbrier River Watershed in southeastern West Virginia which encompasses  
6 approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier,  
7 Monroe and Summers counties, has been identified as an impaired water body due to excessive  
8 levels of fecal coliform and phosphorus entering the watershed from various sources, including  
9 wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees  
10 to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

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

17 (c) The council shall direct the Water Development Authority to issue bonds in one or more  
18 series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier  
19 River watershed compliance projects with an authorized permitted flow of four hundred thousand  
20 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance,

21 fund a debt service reserve account, capitalize interest, pay for security instruments necessary to  
22 market the bonds and to make grants to governmental instrumentalities of the state for the  
23 construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River  
24 watershed compliance projects. To the extent funds are available in the West Virginia  
25 Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council  
26 may direct the Water Development Authority to make grants to project sponsors for the design or  
27 construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River  
28 watershed compliance projects: Provided, That the council shall direct the Water Development  
29 Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay  
30 debt service in fiscal year 2013 a grant of \$6 million to a Chesapeake Bay watershed compliance  
31 project which opened bids on December 28, 2011, and further provided that such Chesapeake  
32 Bay watershed compliance project shall receive no further grant funding under this section after  
33 receipt of the \$6 million grant.

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

46 (e) Upon approval, each proposed Chesapeake Bay watershed compliance project or



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

54 ~~(f) No later than December 1, 2012, the Water Development Authority shall report to the~~  
55 ~~Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed~~  
56 ~~compliance projects and the Greenbrier River watershed compliance projects and the proposed~~  
57 ~~grant awards for each eligible project. From the proceeds of bonds issued under subsection (b)~~  
58 ~~of this section, the council shall direct the Water Development Authority to make grants to eligible~~  
59 ~~projects ready to proceed to construction and those grant awards shall be pro-rated to an equal~~  
60 ~~percentage of total eligible costs among all applicants for each eligible project as certified by the~~  
61 ~~Water Development Authority in its report to the Joint Committee on Government and Finance~~  
62 ~~dated November 26, 2012: Provided, That the final project, and its financing, is consistent with~~  
63 ~~the scope of the eligible project included in the council's approval on December 5, 2012~~

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

73 for grant funding under the provisions of this article.

## **ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.**

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

1           The Housing Development Fund shall cause an annual audit to be made by an  
2 independent certified public accountant of its books, accounts, and records, with respect to its  
3 receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters  
4 relating to its financial operations, including those of the Operating Loan Fund, the Land  
5 Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing  
6 such audit shall furnish copies of the audit report to the commissioner of finance and  
7 administration, where they shall be placed on file and made available for inspection by the general  
8 public. The person performing such audit shall also furnish copies of the audit report to the  
9 Speaker of the House of Delegates, the President of the Senate, and the majority and minority  
10 leaders of both houses. The plan shall be transmitted to the Speaker of the House of Delegates,  
11 the President of the Senate, and the majority and minority leaders of both houses electronically.  
12 Further, the report shall be provided to the legislative librarian to be posted to the legislative  
13 website. No hard copy of the report shall be issued; however, a hard copy may be requested and  
14 provided upon request.

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

**§31-18-28. West Virginia Property Rescue Initiative: findings; technical assistance and revolving loan program for removal of dilapidated housing; reporting required.**

1 (a) The program set forth in this section shall be known as the “West Virginia Property  
2 Rescue Initiative”.

3 (b) The Legislature finds that a great number of dilapidated housing structures exist  
4 throughout the state and that county and municipal officials often lack the training and resources  
5 to identify, purchase, remove, or rehabilitate these structures and return the property to a  
6 condition beneficial to their communities. The Legislature further finds that these structures  
7 contribute to increased crime in neighborhoods, including illicit drug use and sales; pose threats  
8 to health and safety; decrease the values of surrounding properties; and reduce the quality of life  
9 in their communities and neighborhoods. The Legislature further finds that improved properties  
10 expand housing opportunities, increase property values and enhance the quality of life in  
11 communities and neighborhoods.

12 (c) The Legislature finds that the housing development fund, as a public body corporate  
13 and the state’s leading housing authority, has the expertise and resources to lead a property  
14 rescue initiative to assist counties and municipalities in removing or rehabilitating dilapidated  
15 housing and improving their communities and neighborhoods by providing technical assistance,  
16 training and consultation as well as needed financial resources.

17 (d) The Housing Development Fund shall implement the West Virginia Property Rescue  
18 Initiative to provide technical assistance, training and consultation to counties and municipalities  
19 which include, but are not limited to, the following: (1) maintaining lists of contractors, developers,  
20 nonprofit organizations, disposal companies and landfills available to assist counties and  
21 municipalities in the removal or rehabilitation of dilapidated properties; (2) providing information  
22 on the use of the West Virginia Property Rescue Initiative in other jurisdictions; and (3) conducting  
23 or facilitating seminars in strategic areas of the state to encourage and inform community leaders  
24 in counties and municipalities on how to successfully use the West Virginia Property Rescue

25 Initiative to improve their communities and neighborhoods individually and in combination with  
26 other counties or municipalities for economies of scale and efficient use of local resources.

27 (e) For the purpose of the West Virginia Property Rescue Initiative, the Housing  
28 Development Fund shall establish and fund a revolving loan program to make funding available  
29 to counties and municipalities for the removal of dilapidated structures on such terms for  
30 repayment of loans, with or without interest, as the Housing Development Fund finds appropriate  
31 and to provide technical assistance, training and consulting services to counties and  
32 municipalities regarding the identification, purchase, removal and rehabilitation of properties to  
33 maximize the benefits of the West Virginia Property Rescue Initiative on an ongoing basis, with a  
34 commitment by the Housing Development Fund to deposit at least \$5 million dollars to the West  
35 Virginia Property Rescue Initiative Revolving Loan Fund over a five year period beginning on July  
36 1, 2015, at the rate of at least \$1 million dollars per fiscal year.

37 (f) Notwithstanding any other provision to the contrary, the revolving loan fund established  
38 in this section shall not be considered or construed as an obligation of the state.

39 (g) To enhance the success of the West Virginia Property Rescue Initiative, the Housing  
40 Development Fund may, as a form of its technical assistance, seek grants and awards of funding  
41 to be made to the Housing Development Fund or directly to counties and municipalities for their  
42 property rescue initiatives, from public and private organizations and government agencies,  
43 federal and state, in order to provide both for additional funding for the property rescue revolving  
44 loan fund or the repayment of loans and for grants to counties and municipalities with dire need  
45 and limited resources such that special aid and funding is needed to begin and complete their  
46 local property rescue initiatives.

47 (h) The Executive Director of the Housing Development Fund shall report on the West  
48 Virginia Property Rescue Initiative to the Joint Committee on Government and Finance annually  
49 during the initial five years of the West Virginia Property Rescue Initiative. At the end of the initial  
50 five years of the West Virginia Property Rescue Initiative, the Housing Development Fund board

51 of directors shall evaluate participation and success of the West Virginia Property Rescue  
52 Initiative as well as other aspects of the West Virginia Property Rescue Initiative in order to  
53 determine whether and how to adjust services and levels of funding under this section. The plan  
54 shall be transmitted to the Joint Committee on Government and Finance electronically. Further,  
55 the report shall be provided to the legislative librarian to be posted to the legislative website. No  
56 hard copy of the report shall be issued; however, a hard copy may be requested and provided  
57 upon request.

## **CHAPTER 33. INSURANCE.**

### **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

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

1 [Repealed.]

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

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