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March 3, 2022
FIFTY-FIRST DAY

Thursday, March 3, 2022

FIFTY-FIRST 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 Wednesday, March 2, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4753 on Third Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

S. B. 531, Increasing annual salaries of certain state employees,

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

Delegate Criss, Vice 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. 515, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services,

S. B. 517, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund,

S. B. 525, Expiring funds from unappropriated balance in Lottery Net Profits,

S. B. 526, Supplementing and amending appropriations to Department of Commerce, Office of Secretary,

S. B. 527, Supplementing and amending appropriations to Department of Administration, Office of Technology,

S. B. 626, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV,

S. B. 627, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH,

S. B. 628, Supplementing and amending appropriations to Department of Commerce, DNR,

S. B. 629, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division,

S. B. 630, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account,

S. B. 636, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals,

And,

S. B. 637, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund,

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

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 2nd day of March, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots.

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 2nd day of March, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 221, Establishing occupational therapy compact,

And,

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 31, Applying to the Congress of the United States to call a convention of states,

H. C. R. 95, Clemmer Brothers WWII Veterans Memorial Bridge,

H. C. R. 96, U. S. Air Force Captain Perry Thomas Rose Memorial Road,

Com. Sub. for S. C. R. 11, Dennis E. Davis Veterans Nursing Home,

Com. Sub. for S. C. R. 13, US Army PFC Joseph Stanley McKinney Memorial Bridge,

And,

S. C. R. 23, USMC CPL Guy Maywood Edwards Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

Communications from His Excellency, the Governor, advised that on March 2, 2022, he approved **Com. Sub. for H. B. 3220**, **H. B. 3303**, **H. B. 4060** and **Com. Sub. for H. B. 4114**.

Messages from the Senate

A message from the Senate, by

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

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

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

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

“ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-2. Definitions.

Unless the context clearly requires a different meaning, as used in this article the terms:

‘Advanced recycling’ means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling shall not be considered solid waste management or solid waste disposal.

‘Advanced recycling facility’ means a facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is a manufacturing facility subject to applicable department manufacturing regulations for air, water, and land use. Advanced recycling facilities shall not be considered solid waste facilities.

(4) 'Agronomic rate' means the whole sewage sludge application rate, by dry weight, designed:

(A) (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation on the land; and

(B) (2) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

(2) 'Applicant' means the person applying for a commercial solid waste facility permit or similar renewal permit and any person related to such person by virtue of common ownership, common management, or family relationships as the director may specify, including the following: Spouses, parents, and children, and siblings.

(3) 'Approved solid waste facility' means a solid waste facility or practice which has a valid permit under this article.

(4) 'Back hauling' means the practice of using the same container to transport solid waste and to transport any substance or material used as food by humans, animals raised for human consumption, or reusable item which may be refilled with any substance or material used as food by humans.

(5) 'Bulking agent' means any material mixed and composted with sewage sludge.

'Catalytic cracking' is a manufacturing process through which post-use polymers are heated and melted in the absence of oxygen and then processed in the presence of a catalyst to produce valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons.

(6) 'Class A facility' means a commercial solid waste facility which handles an aggregate of between ~~ten thousand~~ 10,000 and ~~thirty thousand~~ 30,000 tons of solid waste per month. Class A facility includes two or more Class B solid waste landfills owned or operated by the same person in the same county, if the aggregate ~~tons~~ tonnage of solid waste handled per month by such landfills exceeds ~~nine thousand nine hundred ninety nine~~ 9,999 tons of solid waste per month.

(7) 'Commercial recycler' means any person, corporation, or business entity whose operation involves the mechanical separation of materials for the purpose of reselling or recycling at least ~~seventy~~ 70 percent by weight of the materials coming into the commercial recycling facility.

(8) 'Commercial solid waste facility' means any solid waste facility which accepts solid waste generated by sources other than the owner or operator of the facility and does not include an approved solid waste facility owned and operated by a person for the sole purpose of the disposal, processing, or composting of solid wastes created by that person or such person and other persons on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled materials are legitimately applied for structural fill, road base, mine reclamation, and similar applications.

(9) 'Compost' means a humus-like material resulting from aerobic, microbial, or thermophilic decomposition of organic materials.

(10) 'Composting' means the aerobic, microbial, or thermophilic decomposition of natural constituents of solid waste to produce a stable, humus-like material.

(11) 'Commercial composting facility' means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not

include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or nonprofit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

(12) 'Cured compost' or 'finished compost' means compost which has a very low microbial or decomposition rate which will not reheat or cause odors when put into storage and that has been put through a separate aerated curing cycle stage of ~~thirty~~ 30 to ~~sixty~~ 60 days after an initial composting cycle or compost which meets all regulatory requirements after the initial composting cycle.

(13) 'Department' means the Department of Environmental Protection.

'Depolymerization' means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons.

(14) 'Energy recovery incinerator' means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for the generation of steam, electricity, or any other use not specified herein.

'Gasification' means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons that are returned to economic utility in the form of raw materials and products.

'Hydrogenation' is a manufacturing process through which hydrogen is used to remove impurities from post-use polymers or recovered feedstock to enable further processing into valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons.

(15) 'Incineration technologies' means any technology that uses controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials, regardless of whether the purpose is processing, disposal, electric or steam generation, or any other method by which solid waste is incinerated.

(16) 'Incinerator' means an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

(17) 'Landfill' means any solid waste facility used for the disposal of solid waste on or in the land for the purpose of permanent disposal. Such facility is situated, for purposes of this article, in the county where the majority of the spatial area of such facility is located.

(18) 'Materials recovery facility' means any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes of reuse and recycling, but does not include a composting facility.

(19) 'Mature compost' means compost which has been produced in an aerobic, microbial, or thermophilic manner and does not exhibit phytotoxic effects.

(20) 'Mixed solid waste' means solid waste from which materials sought to be reused or recycled have not been source-separated from general solid waste.

(21) 'Mixed waste processing facility' means any solid waste facility at which materials are recovered from mixed solid waste through manual or mechanical means for purposes of reuse, recycling, or composting.

(22) 'Municipal solid waste incineration' means the burning of any solid waste collected by any municipal or residential solid waste disposal company.

(23) 'Open dump' means any solid waste disposal which does not have a permit under this article, or is in violation of state law, or where solid waste is disposed in a manner that does not protect the environment.

(24) 'Person' or 'persons' means any industrial user, public or private corporation, institution, association, firm, or company organized or existing under the laws of this or any other state or country; State of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry; sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatever.

'Post-use polymer' means a plastic to which all the following apply:

(1) The plastic is derived from any industrial, commercial, agricultural, or domestic activities;

(2) It is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility;

(3) The plastic's use or intended use is as a feedstock for the manufacturing of plastic and chemical feedstocks, other basic hydrocarbons, raw materials, or other intermediate products or final products using advanced recycling;

(4) The plastic has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities (e.g., paper labels and metal rings); and,

(5) The plastic is processed at an advanced recycling facility or held at such facility prior to processing.

(25) 'Publicly owned treatment works' means any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity which processes raw domestic, industrial, or municipal sewage by any artificial or natural processes in order to remove or so alter constituents as to render the waste less offensive or dangerous to the public health, comfort, or property of any of the inhabitants of this state before the discharge of the plant effluent into any of the waters of this state, and which produces sewage sludge.

'Pyrolysis' means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons, that are returned to economic utility in the form of raw materials or products.

'Recovered feedstock' means one or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:

(1) Post-use polymers;

(2) Materials for which the United States Environmental Protection Agency has made a nonwaste determination pursuant to 40 C.F.R. 241.3(c), or has otherwise determined are feedstocks and not solid waste;

(3) Recovered feedstock does not include unprocessed municipal solid waste;

(4) Recovered feedstock is not mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

~~(26) 'Recycling facility' means any solid waste facility for the purpose of recycling at which neither land disposal nor biological, chemical, or thermal transformation of solid waste occurs: *Provided*, That mixed waste recovery facilities, sludge processing facilities, and composting facilities are not considered recycling facilities nor considered to be reusing or recycling solid waste within the meaning of this article, ~~article fifteen-a of this chapter and article four, chapter twenty-two-c of this code~~ §22-15A-1 et seq. and §22C-4-1 et seq. of this code.~~

~~(27) 'Sewage sludge' means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from sewage sludge. 'Sewage sludge' does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator.~~

~~(28) 'Sewage sludge processing facility' is a solid waste facility that processes sewage sludge for: (A) Land application; (B) incineration; or (C) disposal at an approved landfill. Such processes include, but are not limited to, composting, lime stabilization, thermophilic, microbial, and anaerobic digestion.~~

~~(29) 'Secretary' means the Secretary of the Department of Environmental Protection or such other person to whom the ~~Secretary~~ secretary has delegated authority or duties pursuant to ~~article one of this chapter~~ §22-1-1 et seq. of this code.~~

~~(30) 'Sludge' means any solid, semisolid, residue, or precipitate, separated from or created by a municipal, commercial, or industrial waste treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar origin.~~

~~(31) 'Solid waste' means any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration; sludge from a waste treatment plant; water supply treatment plant or air pollution control facility; and other discarded materials, including offensive or unsightly matter, solid, liquid, semisolid, or contained liquid or gaseous material resulting from industrial, commercial, mining, or community activities but does not include solid or dissolved material in sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under ~~article five-a of this chapter~~ §22-5A-1 et seq. of this code, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under ~~article five-e of this chapter~~ §22-5E-1 et seq. of this code or refuse, slurry, overburden, or other wastes or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage, and recovery of coal, oil, and gas, and other mineral resources placed or disposed of at a facility which is regulated under ~~chapter twenty-two, twenty-two-a or twenty-two-b~~ Chapter 22, Chapter 22A, or Chapter 22B of this code, so~~

long as placement or disposal is in conformance with a permit issued pursuant to such chapters, or post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such facility prior to conversion.

(32) 'Solid waste disposal' means the practice of disposing of solid waste including placing, depositing, dumping, throwing, or causing any solid waste to be placed, deposited, dumped, or thrown.

(33) 'Solid waste disposal shed' means the geographical area which the solid waste management board designates and files in the state register pursuant to ~~section eight, article twenty-six, chapter sixteen~~ §16-26-8 of this code.

(34) 'Solid waste facility' means any system, facility, land, contiguous land, improvements on the land, structures, or other appurtenances or methods used for processing, recycling, or disposing of solid waste, including landfills, transfer stations, materials recovery facilities, mixed waste processing facilities, sewage sludge processing facilities, commercial composting facilities, and other such facilities not herein specified, but not including land upon which sewage sludge is applied in accordance with ~~section twenty of this article~~ §22-15-20 of this code. Such facility shall be deemed to be situated, for purposes of this article, in the county where the majority of the spatial area of such facility is located: *Provided*, That a salvage yard, licensed and regulated pursuant to the terms of ~~article twenty-three, chapter seventeen~~ §17-23-1 et seq. of this code, is not a solid waste facility and an advanced recycling facility is not a solid waste facility.

(35) 'Solid waste facility operator' means any person or persons possessing or exercising operational, managerial, or financial control over a commercial solid waste facility, whether or not such person holds a certificate of convenience and necessity or a permit for such facility.

'Solvolysis' means a manufacturing process through which post-use polymers are purified with the aid of solvents, while heated at low temperatures and/or pressurized to make useful products, allowing additives and contaminants to be separated. The products of solvolysis include monomers, intermediates, valuable chemicals, and raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

(36) 'Source-separated materials' means materials separated from general solid waste at the point of origin for the purpose of reuse and recycling but does not mean sewage sludge."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 354**), 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: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4084) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

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

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

“ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 14, 2021, relating to the Department of Health and Human Resources (Methods and Standards for Chemical Tests for Intoxication, 64 CSR 10), is authorized.

(b) The legislative rule filed in the State Register on July 23, 2021, authorized under the authority of §16-5B-8 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 14, 2021, relating to the Department of Health and Human Resources (Hospital Licensure, 64 CSR 12), is authorized with the following amendment:

On page 22, subdivision 7.3.11, by striking the words “as prescribed by the attending practitioner” and inserting the words, “as recommended by a qualified dietician;”.

(c) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §16-35-4 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2021, relating to the Department of Health and Human Resources (Childhood Lead Screening, 64 CSR 42), is authorized.

(d) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 14, 2021, relating to the Department of Health and Human Resources (Food Manufacturing Facilities, 64 CSR 43), is authorized.

(e) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2021, relating to the Department of Health and Human Resources (Sewage Treatment and Collection System Design Standards, 64 CSR 47), is authorized.

(f) The legislative rule filed in the State Register on September 10, 2021, authorized under the authority of §16-4C-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 15, 2021, relating to the Department of Health and Human Resources (Emergency Medical Services, 64 CSR 48), is authorized.

(g) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §64-5-1 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2021, relating to the Department of Health and Human Resources (Clinical Laboratory Practitioner Licensure and Certification, 64 CSR 57), is authorized.

(h) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §60A-11-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2021, relating to the Department of Health and Human Resources (Clandestine Drug Laboratory Remediation, 64 CSR 92), is authorized with the amendments set forth below:

On page four, after the section caption, by adding the words “Licensed technicians shall:”;

On page four, Subsection 5.3., b striking out the words “and ceiling” and inserting in lieu thereof the words “ceiling, and HVAC unit, vent, and return”;

On page five, subdivision 7.1.2., by striking out the words “the residential property owner shall”;

On page six, subdivision 7.1.4. by striking out all of subdivision 7.1.4. and inserting in lieu thereof a new subdivision 7.1.4. to read as follows:

“7.1.4. When analytical testing shows a level of contamination of greater than 1.0 ug/100 cm², contract within 60 days a licensed clandestine drug lab remediation contractor to either remediate or demolish the residential property in accordance with this rule.”;

On page six, subsection 9.1., after the word “commissioner”, by inserting the words “within 10 days of receipt of the initial analytical results”

On page seven, paragraph 9.2.1.i. after the semicolon, by striking out the word “and”;

On page seven, paragraph 9.1.2.j. by striking out the words “must be”;

On page seven, after paragraph 9.1.2.j., by adding the following paragraphs:

“9.1.2.k. A general listing of items to be removed from the residential property for disposal;

9.1.2.l. Items requiring special handling for disposal; and

9.1.2.m. Any obvious safety hazards.”

And,

On page twelve, subdivision 12.8.6., by striking out the word “three” and inserting in lieu thereof the word “one”.

(i) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §16-4E-4 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2021, relating to the Department of Health and Human Resources (Maternal Risk Screening, 64 CSR 97), is authorized.

(j) The legislative rule filed in the State Register on May 10, 2021, authorized under the authority of §16-4F-5 of this code, relating to the Department of Health and Human Resources (Expedited Partner Therapy, 64 CSR 103), is authorized.

(k) The legislative rule filed in the State Register on May 10, 2021, authorized under the authority of §16-5Y-13 of this code, relating to the Department of Health and Human Resources (Medication-Assisted Treatment - Opioid Treatment Programs, 69 CSR 11), is authorized.

(l) The legislative rule filed in the State Register on August 27, 2021, authorized under the authority of §16-64-7 of this code, relating to the Department of Health and Human Resources (Syringe Services Program Licensure, 69 CSR 17), is authorized.

§64-5-2. Health Care Authority.

(a) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §16-2D-4 of this code, modified by the Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 20, 2021, relating to the Health Care Authority (Certificate of Need, 65 CSR 32), is authorized with the following amendment:

On page 4, by striking paragraph 2.1.j.9, in its entirety, and renumbering the remaining paragraphs.

§64-5-3. Department of Health and Human Resources and Insurance Commission.

(a) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §33-4A-8 of this code, modified by the Department of Health and Human Resources and Insurance Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 27, 2021, relating to the Department of Health and Human Resources and Insurance Commission (All Payer Claims Database - Data Submission Requirements, 114A CSR 01), is authorized with the amendments set forth below:

On page 3, subsection 2.20. by striking out the word “procedural” and inserting in lieu thereof the word “legislative”;

And

On page 5, subsection 4.2. by striking out the word “procedural” and inserting in lieu thereof the word “legislative”

(b) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §33-4A-4 of this code, relating to the Department of Health and Human Resources and Insurance Commission (All-Payer Claims Database Program’s Privacy and Security Requirements, 114A CSR 02), is authorized.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 355**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Pushkin, Walker and Young.

Absent and Not Voting: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4126) passed.

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

On this question, the yeas and nays were taken (**Roll No. 356**), and there were—yeas 88, nays 6, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Doyle, Evans, Fleischauer, Pushkin, Walker and Young.

Absent and Not Voting: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

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. 4126) takes effect from its passage.

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

A message from the Senate, by

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a joint resolution of the House of Delegates as follows:

H. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the joint resolution by the Senate:

By striking out everything after line 12 and inserting in lieu thereof the following:

“ARTICLE XII. EDUCATION.

§2. Supervision of free schools.

Subject to the provisions of this section, The the general supervision of the free schools of the State is shall be vested in the West Virginia Board of Education which shall perform the such duties as may be prescribed by law. Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies which shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years, except that the original appointments shall be for terms of one, two, three, four, five, six, seven, eight, and nine years, respectively. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the Legislature may require other specific

qualifications for membership on the board. No member of the board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall ~~have such powers and shall perform the such duties as may be~~ prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article VI of this Constitution.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, the amendment is hereby numbered 'Amendment No. 1' and designated as the 'Education Accountability Amendment' and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendment, or rejection."

The resolution, as amended by the Senate, was then put upon its adoption.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 357**), and there were—yeas 74, nays 20, absent and not voting 6, with the yeas, nays, and absent and not voting being as follows:

Yeas: Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Crouse, Dean, Doyle, Ellington, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hanna, Hardy, Haynes, Holstein, Honaker, Horst, Hott, Howell, D. Jeffries, J. Jeffries, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Toney, Tully, Wamsley, B. Ward, G. Ward, Westfall, Worrell, Zatezalo and Hanshaw (Mr. Speaker).

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

Absent and Not Voting: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the resolution was adopted, as follows:

H. J. R. 102 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article XII thereof, relating to education and the supervision of free schools; clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment."

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year

2022, which proposed amendment is that section 2, article XII thereof, be amended and reenacted to read as follows:

ARTICLE XII. EDUCATION.

§2. Supervision of free schools.

Subject to the provisions of this section, the general supervision of the free schools of the State is vested in the West Virginia Board of Education which shall perform the duties prescribed by law. Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies which shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the Legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall perform the duties prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article VI of this Constitution.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, the amendment is hereby numbered "Amendment No. 1" and designated as the "Education Accountability Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendment, or rejection."

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 29 - "A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-10 of said code, all relating to the Courthouse Facilities Improvement Authority generally; imposing a \$10 processing fee for criminal bail bonds, other than personal recognizance bonds, which fee is to be deposited in the Courthouse Facilities Improvement Fund; imposing a \$25 fee for the processing of bail pieces, the revenue from which is deposited in the Courthouse Facilities Improvement Fund; and increasing the fee for a deed of conveyance with the increase dedicated to the Courthouse Facilities Improvement Fund"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 205 - “A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the expansion of membership of the Public Employees Insurance Agency Finance Board; increasing number of appointed members on board; designating interests to be represented by additional appointed members of board; and making technical changes throughout”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 266 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of ‘ammunition’ for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 434 - “A Bill to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-29-1, §8-29-3, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20 of said code; to amend said code by adding thereto a new section, designated §8-29-8a; and to amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, relating generally to airport authorities and operations; increasing the criminal fine for vehicular and pedestrian traffic near airports; authorizing airport authorities to establish and operate international and ancillary airports; defining terms; clarifying that certain airports may be established near research or business parks; expanding the powers and authority of airport authorities related to acquisition and use of property; establishing a procedure for the disposition of derelict or abandoned aircraft; providing airport authorities with a lien on a derelict or abandoned aircraft; providing for sale and disposal of abandoned and derelict aircraft and purchaser’s ownership rights; authorizing airport authorities to promulgate rules to control vehicular and pedestrian traffic; increasing criminal fines for violations of certain airport rules and regulations; providing airport authorities with the right of immediate entry following eminent domain; and expanding areas over which airport police have jurisdiction”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 468 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to creating the Unborn Child with Down Syndrome Protection and Education Act; providing a short title; defining terms; requiring health care practitioner to provide certain information to expectant or new parents; requiring Department of Health and Human Resources to make certain information available to health care practitioners on website; prohibiting abortion before confirming and documenting that abortion is not sought because of a disability except in medical emergency or severe fetal condition; prohibiting abortion because of disability except in medical emergency or severe fetal condition; requiring physician who performs or induces abortion to report certain anonymous information to commissioner; requiring commissioner to create forms and providing for applicability of reporting requirements; providing for professional sanctions and civil penalties or fines; authorizing Attorney

General, West Virginia Board of Medicine, and West Virginia Board of Osteopathic Medicine to bring action; clarifying effect of article with respect to right to abortion, generally accepted medical standards, and currently unlawful abortions; providing for severability; and providing effective date"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 498 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; and to amend said code by adding thereto a new section, designated §18B-14-4, all relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities from providing instruction in, requiring instruction in, making part of a course, or requiring a statement or affirmation by an employee of certain specified concepts; prohibiting a state institution of higher education or any of its employees from requiring a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that certain specified concepts are factual and accurate or must be held as a belief of the student or employee; defining terms; recognizing that state institutions of higher education prohibit discrimination and have an obligation to protect the right to free speech; limiting prohibitions; establishing public elementary and secondary school complaint and appeal procedures for alleged violations and complaint reporting procedures; requiring each campus to report to the Higher Education Policy Commission or the Council for Community and Technical College Education a description of any violations; and requiring certain information on the complaints filed and reported violations to be reported to the Legislative Oversight Commission on Education Accountability."

Delegate Fluharty moved to reject the Senate Message on Com. Sub. for S. B. 498.

On the question of adoption of the motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 358**), and there were—yeas 21, nays 73, absent and not voting 6, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

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

The message was then received and the Speaker referred the bill to the Committee on Education then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 518 - "A Bill to amend and reenact §30-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing eligible professional nurses and advance practice registered nurses, or the equivalent, to practice in West Virginia; removing expiration date of temporary permit;

and providing that temporary permit is valid until the board approves or denies the endorsement request"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 530 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b; and to amend and reenact §17-27-3, §17-27-4, §17-27-5, §17-27-7, §17-27-8, §17-27-9, §17-27-11, §17-27-13, §17-27-14, §17-27-15, and §17-27-16 of said code, all relating to encouraging public-private partnerships related to transportation facilities; providing coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility; authorizing the Division of Highways to repay collected tax in escrow to private entities; cleaning up antiquated language; clarifying the roles of the division, public entities, and developers; simplifying the public-private partnership review process; clarifying that Commissioner of the Division of Highways may approve or modify the division's rankings, authorize negotiations and entry into comprehensive agreement with the highest-ranked developer, or reject all proposals; providing that division is not obligated to accept, consider, or review unsolicited conceptual proposals, but may choose to do so; providing that no obligation or liability attaches to either party if they are unable to reach an agreement; providing that the division may negotiate a comprehensive agreement with the next highest-ranked developer if agreement cannot be reached with highest-ranked developer; clarifying the extent to which the division may utilize condemnation if it is found the project serves a public purpose or the developer is in material default; and exempting public-private partnership agreements from statutory government construction contract requirements"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 552 - "A Bill to repeal §11A-2-18 of the Code of West Virginia, 1931, as amended; to repeal §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, §11A-3-29, §11A-3-30, and §11A-3-31 of said code; to amend and reenact §11A-1-8 of said code; to amend and reenact §11A-2-14 of said code; to amend and reenact §11A-3-1, §11A-3-2, §11A-3-4, §11A-3-8, §11A-3-9, §11A-3-10, §11A-3-11, §11A-3-12, §11A-3-13, §11A-3-32, §11A-3-39 §11A-3-42, §11A-3-44, §11A-3-45, §11A-3-46, §11A-3-48, §11A-3-50, §11A-3-52, §11A-3-53, §11A-3-54, §11A-3-55, §11A-3-56, §11A-3-66, and §11A-3-69 of said code; to amend and reenact §11A-4-3 and §11A-4-4 of said code; to amend and reenact §16-18-3 of said code; to amend said code by adding thereto a new section, designated §16-18-30; to amend and reenact §22-15A-30 of said code; to amend and reenact §31-18E-9 of said code; and to amend and reenact §31-21-11 of said code, all relating to the process for the collection of delinquent real estate taxes and sales of tax liens and property; modifying the method by which notice is provided regarding the payment of property taxes; requiring a sheriff to accept credit cards as a form of payment for property taxes; allowing a sheriff to offer discounts on tax liability to taxpayers that pay with a credit card; modifying the deadline by which a sheriff must present delinquent lists to its county commission; modifying the deadline that a county commission certifies a delinquent list to the auditor; providing that a sheriff provide a redemption receipt if property is redeemed prior to certification to the auditor; directing a portion of the redemption fee to the Courthouse Facilities Improvement Fund; modifying the policy related to the sale of tax liens; modifying the process by which a sheriff provides its second notice of delinquent real estate; modifying the timing and payment of redemption for delinquent properties prior to certification to the auditor; modifying dates for auditor

to certify list of lands to be sold; providing any property not redeemed to the sheriff is to be certified to the auditor; providing that the sheriff prepare a list of all the tax liens on delinquent real estate redeemed prior to certification or certified to the auditor; providing that the sheriff account for the proceeds from redemptions prior to certification; providing a sheriff may modify its redemption and certification list within 30 days after the publication of such list; providing for the publication of such list; requiring sheriffs keep separate accounts for redemption moneys; identifying lands subject to sale by the deputy commissioner; relating to the obligation that the auditor certify and deliver a list of lands subject to sale by the deputy commissioner; addressing annual auctions held by the deputy commissioner and the publication of notice of public auctions held by the deputy commissioner; modifying timing of annual auction; relating the requirements that a purchaser must satisfy before he or she can secure a deed; modifying timing of purchaser obligation to secure deed; modifying refund to purchaser for property determined to be nonexistent; relating to the notice to redeem provided to a person entitled to redeem delinquent property; modifying fees for redemption; directing portion of fees for specific purpose; providing for certain delinquent taxpayers to redeem in installment payments; modifying the right to set aside a tax deed improperly obtained or a tax deed obtained without sufficient notice; clarifying procedure for right to set aside deed; modifying definition of blighted property; modifying the Reclamation of Abandoned and Dilapidated Properties Program; relating to the right of certain entities to purchase delinquent properties; modifying compensation due deputy commissioner; and modifying certain obligations of the West Virginia Land Stewardship Corporation land bank program; allowing authorized urban renewal authority to acquire interest in tax-delinquent property; requiring Auditor to provide list of certain unsold real estate to urban renewal authority; authorizing urban renewal authority to purchase tax lien and pay taxes, interest, and charges due; providing authorized urban renewal authority with right of first refusal with respect to certain tax-delinquent property meeting certain criteria; requiring urban renewal authority to satisfy certain requirements; requiring sheriff to compile list of properties; authorizing urban renewal authority to purchase qualifying tax-delinquent property at certain amount before property place for public auction; requiring written notice to adjacent property owners by urban renewal authority; providing for period for adjacent property owners to express interest in purchasing property; clarifying that urban renewal authority may refuse to sell to certain delinquent parties; providing sunset for certain provisions relating to acquisition of tax-delinquent property; and requiring urban renewal authority which purchases tax-delinquent property to submit report"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 574 - "A Bill to amend and reenact §5-16-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto by adding a new section, designated §5-16-30, relating to the West Virginia Public Employees Insurance Act; reimbursement of hospital inpatient rates by the plan; and naming of funds within the Public Employees Insurance Agency"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 606 - "A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to reporting requirements under the West Virginia Medical Practice Act; imposing a duty on persons licensed or authorized by the West Virginia Board of Medicine to report certain incidents to the Board; providing reporting deadlines; providing failure to report constitutes unprofessional conduct and grounds for disciplinary action; providing exception to reporting

requirement for certain physicians; providing for immunity from civil liability for reports in good-faith and without fraud or malice; providing reports made in bad-faith, fraudulently, or maliciously constitute unprofessional conduct and grounds for disciplinary action; modifying grounds for denial of application and discipline; and providing rule-making authority”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 645 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-20A-1, §18-20A-2, §18-20A-3, §18-20A-4, §18-20A-5, §18-20A-6, §18-20A-7, §18-20A-8, §18-20A-9, and §18-20A-10, all relating to regulating schools for students with disabilities; defining terms; limiting application of new article; requiring State Board of Education rules for the management and operation of schools for students with disabilities; prohibiting the opening, operating, or conducting of any school for students with disabilities without a license to operate the school issued by the State Superintendent of Schools; allowing the state superintendent or his or her authorized agents to make unannounced inspections of each school for students with disabilities; requiring application for a license to be filed with the state superintendent; requiring each school to submit and maintain a guaranty instrument payable to the State of West Virginia and conditioned to protect the contractual rights of students and other contracting parties; requiring each school to acquire appropriate insurance; providing that neither the state, state board, or state superintendent shall incur any liability from the actions or inactions of a licensed school or any of its employees; allowing a school for students with disabilities to offer education programs serving only the disability categories specifically indicated on its license; allowing state superintendent to establish fees and the methods for collecting such fees for schools as he or she deems necessary to carry out the provisions of the new article; allowing the state superintendent to refuse to issue or renew a license or allowing the state superintendent to revoke or suspend the license of any school for a violation of any provision of this new article or any rule of the state board promulgated pursuant thereto; providing that any person who opens, operates, or conducts any school for students with disabilities without a license is guilty of a misdemeanor and subject to fine and confinement; and requiring the state superintendent to maintain a list of schools for students with disabilities holding valid licenses that must be available to the public”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 649 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1r, relating to requiring certain voice-over internet protocol service providers delivering service in West Virginia or obtaining West Virginia area codes telephone numbers to register with the Public Service Commission; providing timelines to register; providing for a registration form; requiring voice-over internet protocol providers to submit certain information to the Public Service Commission; requiring voice-over internet protocol providers to keep information current; providing definitions; making requirements applicable to certain voice-over internet service providers after effective date of section; and limiting Public Service Commission jurisdiction to certain voice-over internet protocol service providers”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 653 - "A Bill to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13 of said code, and to amend said code by adding thereto a new section, designated §18B-3C-13a, all relating to public higher education governance; making Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023; increasing the number of members of the Fairmont State University Board of Governors to 15 persons; requiring the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and technical education; providing for two faculty members on the Fairmont State University Board of Governors at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education selected by the faculty senate; providing that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University; requiring Fairmont State University to adhere to all provisions set forth in code and the rules of the Community and Technical College Council in the delivery of community and technical college education and programs; prohibiting Fairmont State University from discontinuing the aviation maintenance technology program until three years after providing notice; providing that the Fairmont State University Pierpont College of Community and Technical Education shall not maintain independent accreditation status; providing for a transition period to achieve full accreditation by the Higher Learning Commission; authorizing Fairmont State University to begin the change of control, structure, or organization process with the Higher Learning Commission on or after July 1, 2022; providing for the chairman of the Fairmont State University Board of Governors to appoint an advisory board to provide guidance to the board of governors in fulfilling the mission of the Pierpont College of Community and Technical Education; providing that the members of the advisory board shall elect a chairperson on or after July 1, 2023, who shall be an ex-officio, voting member of the Fairmont State University Board of Governors; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors; transferring all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; providing that all revenue and refunding revenue bonds, the debt service thereon and the other obligations under the resolutions adopted and any trust agreements entered in connection therewith, and any other capital debt service payment formerly the responsibility of Pierpont Community and Technical College continue in existence and are the responsibility of the Board of Governors of Fairmont State University; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; requiring Fairmont State University to develop an articulation agreement of course credit transfer of two-year academic programs to four-year academic programs; requiring Fairmont State University to continue participation in the Advanced Career Education Programs and the West Virginia Invests Grant Program; providing that Pierpont College of Community and Technical Education remains under the jurisdiction of the Community and Technical College Council; requiring reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability; requiring the Legislature to continue to appropriate money directly to Pierpont Community and Technical college for the 2023 fiscal year; providing for transition team oversight with a sunset date; updating certain state institution of higher education names; repealing outdated language; and deleting obsolete language"; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 655 - “A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing creation of training and certification requirements; authorizing tactical medical professional to carry firearms; and protecting from civil or criminal liability”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 659 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-5a; to amend and reenact §11-16-8 of said code; to amend said code by adding thereto a new section, designated §60-1-3a; to amend and reenact §60-3A-17 of said code; to amend and reenact §60-6-24 of said code; to amend and reenact §60-7-2 and §60-7-6 of said code; to amend and reenact §60-8-6c of said code; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, wine, and liquor licenses and requirements; providing for modification of the 300-foot requirement to 200 feet; clarifying that licensees are not required to place nonintoxicating beer, nonintoxicating craft beer, and alcoholic liquors in a bag after purchase; revising the blood alcohol chart; increasing the minimum mark-up to 112.5 percent for sales to the general public and to 115 percent to licensees; creating a license for a private bakery to produce confections with alcohol added and setting a license fee; creating a license for a private cigar shop to, where legally permissible, permit the sale of alcohol, food, and cigars for on-premises consumption, and setting a license fee; creating a license for a private college sports stadium for alcohol sales in certain areas of Division I, II, or III sports stadiums, and setting a license fee; creating a license for a private food truck to conduct food and alcohol sales at various locations when permitted by a municipality, and setting a license fee; permitting private hotels and private resort hotels to apply for a private caterer license; authorizing private hotels and private resort hotels to utilize in-room mini-bars for limited alcohol sales to adults 21 year of age and over; authorizing wine growler sales where wine may be mixed with ice and water to produce a frozen alcoholic beverage for sale in sealed wine growlers, and additional requirements; and providing additional exceptions to the criminal penalty for the unlawful admission of children to a dance hall for certain private clubs with an age verification system”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 668 - “A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all relating generally to judicial treatment of sex offenses; requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have a treatment plan to be eligible for probation; and expanding the list of offenses for which a defendant has been convicted which preclude the defendant from residing with minor children or having any contact with the victims”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 671 - "A Bill to amend and reenact §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-5, §17A-6F-7, and §17A-6F-13 of the Code of West Virginia, 1931, as amended, all relating to the regulation of peer-to-peer car sharing"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 680 - "A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the WV Emergency Responders Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include, but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2020"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

S. B. 687 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings among county boards of education; and establishing procedures for potential consolidation of school districts"; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

S. B. 703 - "A Bill to amend and reenact §60A-2-204; 60A-2-206; 60A-2-210, and 60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to controlled substances, adding the following to the schedule I substance list: N-Methylnorfentanyl(N-(1-Methyl-4-piperidinyl)-N-phenylpropanamide, monohydrochloride); Norfentanyl (N-Phenyl-N-4-piperidinyl-propanamide); 3-Hydroxyphencyclidine (other name hydroxy PCP); Marijuana (Cannabis, sp.); FDU-PB-22 (1-Naphthyl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); FUB-PB-22 (Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); 5-Fluoro-MN-24 (1-(5-Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-

a][1,4]benzodiazepine); Clonazepam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); 4-CN-CUMYL-BUTINACA (1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide); Alpha-Phenylacetoacetonitrile (3-Oxo-2-phenylbutanenitrile); 2-Fluoro Deschloroketamine (2-(2-Fluorophenyl)-2-(methylamino)-cyclohexanone, monohydrochloride); 4-MEAP (2-(Ethylamino)-1-(4-methylphenyl)pentan-1-one); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazepam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3 a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f] [1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Declazepam (7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Deschloroetizolam (2-Ethyl-9-methyl-4-phenyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Alpha-PHP (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one); MPHP (1-(4-Methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); PV8 (1-Phenyl-2-(pyrrolidin-1-yl)heptan-1-one); 4-Chloro-Alpha-PVP (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); N-Ethylhexedrone (2-(Ethylamino)-1-phenylhexan-1-one); Methoxetamine (2-(Ethylamino)-2-(3-methoxyphenyl)-cyclohexanone); 3-Fluorophenmetrazine (2-(3-Fluorophenyl)-3-methylmorpholine); adding the following to the schedule II list: Norfentanyl; Oliceridine; adding the following to the schedule IV list: Lemborexant; Remimazolam; Serdexmethylphenidate; and removing Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] from the schedule V list"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 704 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring each classroom teacher to comply with any request by a parent, grandparent, or guardian to inspect any instructional materials and books in the classroom that are available for students to read; requiring, as part of the inspection and upon request of the parent, grandparent, or guardian, that the classroom teacher demonstrate how the supplementary instructional material relates to the content standards adopted by the State Board of Education; requiring the classroom teacher to include any book or books students will be required to read on a class syllabus; requiring the syllabus to be made available to the parent, grandparent, or guardian upon request; allowing any parent, grandparent, or guardian to file a complaint with the county superintendent if the classroom teacher fails to comply with this new section, and then with the state superintendent if the complaint is not resolved by the county

superintendent within seven days; requiring reports on the number of complaints filed; and defining terms”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

S. B. 711 - “A Bill to amend and reenact §18-2-7f of the Code of West Virginia, 1931, as amended, relating to establishing alternative educational opportunities for elective course credit; requiring the state board to establish, develop, and maintain a program whereby students can earn elective course credit for extended learning opportunities; establishing eligibility requirements for extended learning opportunity programs; setting forth parameters for the implementation of the program by the state board; providing for an application, denial, and appeals process; allowing for the auditing of approved programs; and providing guidelines for student credit transfers and transportation”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 726 - “A Bill to amend and reenact §61-11-22 and §61-11-22a of the Code of West Virginia, 1931, as amended, all relating generally to pretrial diversion agreements and deferred prosecution agreements; listing offenses for which pretrial diversion prohibited; listing offenses where defendant is authorized under certain circumstances and with certain limitations; and setting out procedures for deferred prosecutions”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

S. B. 728 - “A Bill to amend and reenact §15-2C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-12-2 of said code, all relating to requiring certain persons required to register with State Police to pay an annual fee; requiring registered sex offenders to pay annual fee; providing for use of fee by State Police to defray costs associated with monitoring sex offenders; providing that failure to pay annual fee shall not be deemed a violation of the person’s supervised release; and providing for recordation and indexing of nonpayment of annual fee which shall have the force of a judgment; requiring persons required to be placed on Central Abuse Registry to pay annual fee; providing for use of fee by State Police to defray costs associated with maintaining registry; providing that failure to pay annual fee shall not be deemed a violation of the person’s supervised release; and providing for recordation and indexing of nonpayment of annual fee which shall have the force of a judgment”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 729 - “A Bill to repeal §31-15-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-6C-11 of said code; to amend said code by adding thereto a new section, designated §12-6C-11b; and to amend and reenact §31-15-23 of said code, all relating generally to funding for infrastructure and economic development projects in the state; discontinuing the revolving loan from the Board of Treasury Investments to the Economic Development Authority upon the authority’s receipt of an appropriation by the Legislature; requiring the Board of Treasury Investments to make

a revolving loan available to the Department of Transportation; establishing a special revenue fund to receive loan moneys; permitting the Secretary of Transportation to make certain expenditures of loan moneys; requiring the secretary to reimburse the fund upon receipt of federal reimbursement moneys; providing when moneys in the fund will revert to the Consolidated Fund; establishing reporting requirements related to the fund; allowing the Board of Treasury Investments to inspect records related to the fund; defining terms; establishing a special revenue fund to receive moneys appropriated to the Economic Development Authority; allowing the authority to invest the moneys in the fund; providing that a certain amount of moneys in the fund be used for high impact economic development projects; establishing accounting and auditing standards related to the fund; and establishing project status reporting requirements related to the fund"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 730 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating generally to authorizing divestment of state-managed funds from companies engaged in certain activities involving Russia or Russian energy; setting forth legislative findings; defining terms; authorizing public investment entities in the state to divest from Russia-restricted companies; providing that divestment from Russia-restricted companies does not violate code provisions related to prudent investment and fiduciary duties; and limiting liability of public officials or employees and members or employees of public investment entities for divestment from Russia-restricted companies"; which was referred to the Committee on Finance.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 4850 - "A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and adding a new item of appropriation to the Executive, Governor's Office, fund 0101, fiscal year 2022, organization 0100, by supplementing and amending appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 4851 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Tourism – Tourism Workforce Development Fund, fund 8903, fiscal year 2022, organization 0304, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 4852 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Hospital Finance Authority – Hospital Finance Authority Fund, fund 5475, fiscal year 2022,

organization 0509, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

Special Calendar

Unfinished Business

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

S. C. R. 1, US Army PFC Billy Keith Ford Memorial Bridge,

S. C. R. 3, USMC CAPT Dempsey Stowers Memorial Bridge,

Com. Sub. for S. C. R. 5, US Marine Corps CPL James "Bud" Cox Memorial Bridge,

S. C. R. 9, Haynie Family Veterans Memorial Bridge,

Com. Sub. for S. C. R. 28, US Army PVT Garland Lee Loudermilk Memorial Bridge,

H. C. R. 5, James "Big Jim" Shaffer Memorial Bridge,

H. C. R. 39, PFC Donald L. Stuckey Memorial Bridge,

H. C. R. 56, Roy Lee Shamblin Memorial Bridge.

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

H. C. R. 92, Mental health study for students in higher education institutions; on 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.

Third Reading

Com. Sub. for S. B. 419, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments; 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. 359**), 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: Brown, Espinosa, Hamrick, Hornbuckle, Householder, Jennings and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 419) 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. 499, Authorizing legislative rules for School Building Authority; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 360**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Hanna.

Absent and Not Voting: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 499) passed.

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

On this question, the yeas and nays were taken (**Roll No. 361**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Hanna.

Absent and Not Voting: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 499) takes effect from its passage.

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

S. B. 713, Removing statutory limit for Environmental Laboratory Certification Fund; 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. 362**), 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: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 713) passed.

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

On this question, the yeas and nays were taken (**Roll No. 363**), 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: Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 713) takes effect from its passage.

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

Second Reading

S. B. 448, Developing policies and procedures for Statewide Interoperability Executive Committee; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for S. B. 520, Increasing financial penalties for ransomware attacks; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 523, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority; on second reading, coming up in regular order, was read a second time.

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

“CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**ARTICLE 7. JOBS INVESTMENT TRUST FUND.****§12-7-2. Legislative findings.**

(a) The Legislature finds that the ~~creation of a public body corporate~~ Jobs Investment Trust is a necessary tool to make investment funds available to eligible businesses, would stimulate economic growth, and provide or retain jobs within the state. Accordingly, it is declared to be the public policy of the state to create an investment program to inject needed capital into the business community, sustain or improve business profitability, and provide jobs to the citizens of the state.

(b) The Legislature further finds that:

(1) The availability of financial assistance through the creation of the jobs investment trust will promote economic development in the state and will serve the public purposes of the state;

(2) The public policy of the state will be served through financing projects, extending loans, providing financing or credit for working capital, creating innovative investment plans and options, and providing equity financing or the refinancing of existing debt of an enterprise;

(3) It is in the public interest, in order to address the needs of the business community and the citizens of the state, that a public body corporate be created with full power to accept grants, gifts, and appropriations; to generate revenues to furnish money and credit to approved businesses or enterprises; to promote the establishment of new and innovative projects; and to upgrade, expand, and retain existing projects; and

(4) Fundamental changes are occurring in national and international markets that increase the need for debt financing, equity capital, and near-equity capital for emerging, expanding, and restructuring business opportunities in the state.

(c) The Legislature further finds that:

(1) ~~That due~~ Due to the creation of the ~~jobs investment trust~~ Jobs Investment Trust, moneys will be available for venture capital in this state;

(2) ~~That the~~ The implementation of this innovative program may supplant the need for the state to otherwise assist private venture capital concerns through other tax credits;

(3) ~~That due~~ Due to the availability of venture capital funds through this program the granting of venture capital company credits under the Capital Company Act should be reduced for three fiscal years pending the full implementation of the Jobs Investment Trust Program;

(4) ~~That due~~ Due to this reduction in the certification of tax credits, additional general revenue may become available for new economic development programs;

(5) These economic development programs may be funded from general revenue in an amount appropriate to effectuate the purposes of these programs; and

(6) Due to the foregoing findings, there shall be an annual line item appropriation, in an amount determined by the Legislature, to the West Virginia ~~development office~~ Development Office for a matching grant program for regional economic development corporations or authorities.

§12-7-3. Definitions.

For purposes of this article:

(a) 'Board' means ~~the jobs investment trust board established pursuant to section four of this article the West Virginia Economic Development Authority, established pursuant to §31-15-1 et seq. of this code.~~

(b) 'Eligible business' means any business, including, but not limited to, a business licensed or seeking licensure by the small business administration as a small business investment company under the ~~small business investment act~~ Small Business Investment Act, which is qualified to do business in West Virginia and is in good standing with all applicable laws affecting the conduct of such business.

(c) '~~Nonincentive~~ Non-incentive tax credits' means the ~~nonincentive~~ non incentive tax credits issued by the state to the ~~jobs investment trust board~~ Jobs Investment Trust Board and authorized for sale and transfer by the jobs investment trust board pursuant to ~~section eight a of this article~~ §12-7-8a of this code.

(d) 'Securities' means all bonds, notes, stocks, units of ownership, debentures, or any other form of negotiable or nonnegotiable evidence of indebtedness or ownership.

§12-7-4. Jobs Investment Trust Board; termination; vesting with the Economic Development Authority composition; appointment, term of private members; chairman; quorum.

(a) The Jobs Investment Trust Board is ~~continued hereby terminated, and the management and control of the Jobs Investment Trust shall be vested in the West Virginia Economic Development Authority. The board is a public body corporate and established to improve and otherwise promote economic development in this state.~~

(b) ~~The board consists of thirteen members, five of whom serve by virtue of their respective positions. These five are the Governor or designee; president of West Virginia University or designee; the president of Marshall University or designee; the chancellor of the higher education policy~~

~~commission or designee; and the executive director of the West Virginia housing development fund. One member is appointed by the Governor from a list of two names submitted by the board of directors of the Housing Development Fund. One member is appointed by the Governor from a list of two names submitted by the commissioner of the division of tourism. The other six members are appointed from the general public by the Governor. Of the general public members appointed by the Governor, one is an attorney with experience in finance and investment matters; one is a certified public accountant; one is a representative of labor; one is experienced or involved in innovative business development; and two are present or past executive officers of companies listed on a major stock exchange or large privately held companies. All appointments made pursuant to the provisions of this article are by and with the advice and consent of the Senate.~~

~~(c) A vacancy on the board is filled by appointment by the Governor in the same manner as the original appointment. A member appointed to fill a vacancy serves for the remainder of the unexpired term.~~

~~(d) The Governor may remove any appointed member in case of incompetency, neglect of duty, moral turpitude or malfeasance in office and fill the vacancy as provided in other cases of vacancy.~~

~~(e) The Governor or designee serves as the chair. The board annually elects one of its public members as vice chair and appoints a secretary to keep records of its proceedings who need not be a member of the board.~~

~~(f) Seven members of the board is a quorum. Action may not be taken by the board except upon the affirmative vote of at least a majority of those members present or participating by any other means as described in subsection (g) of this section, but in any event not fewer than six of the members serving on the board.~~

~~(g) Members of the board may participate in a meeting of the board by means of conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other. Participation in a board meeting pursuant to this subsection constitutes presence in person at the meeting.~~

~~(h) The members of the board are not compensated for their services as members of the board, but receive reasonable and necessary expenses actually incurred in discharging their duties under this article in a manner consistent with guidelines of the travel management office of the Department of Administration.~~

~~(i) The board meets on a quarterly basis or more often if necessary.~~

~~(j) The Governor shall appoint a member for a four-year term. Any member whose term has expired serves until a successor is duly appointed and qualified. Any member is eligible for reappointment.~~

~~(k) Additionally, one member of the West Virginia House of Delegates, appointed by the Speaker of the House of Delegates, and one member of the West Virginia Senate, appointed by the President of the Senate, serve as advisory members of the Jobs Investment Trust Board and, as advisory members, are ex officio, nonvoting members.~~

(b) The board shall meet on a quarterly basis or more often, if necessary, to carry out the powers and duties of the board with respect to the management of the Jobs Investment Trust, as set forth in this article.

(c) For the purposes of managing the Jobs Investment Trust, the rules related to board makeup and quorum requirements shall be the same as those set forth in §31-15-5 of this code.

§12-7-5. Management and control of jobs investment trust vested in board; officers; liability; authority of executive director to act on behalf of board; relationship to higher education institutions.

(a) It is the duty of the board to manage and control the Jobs Investment Trust. With the advice and consent of the Senate, the Governor appoints an executive director of the ~~jobs investment trust~~ Jobs Investment Trust who is or has been a senior executive of a major financial institution, brokerage firm, investment firm or similar institution, with extensive experience in capital market development. The director serves at the Governor's will and pleasure and is responsible for managing and administering the daily functions of the ~~jobs investment trust~~ Jobs Investment Trust and for performing other functions necessary to the effective operation of the trust. The compensation of the director is annually fixed by the board.

(b) The board annually elects a secretary to keep a record of the proceedings of the board, who need not be a member of the board.

(c) The members and officers of the board are not liable personally, either jointly or severally, for any debt or obligation created by the board.

(d) The acts of the board are solely the acts of its corporation and are not those of an agent of the state. A debt or obligation of the board is not a debt or obligation of the state.

(e) Upon the affirmative vote of at least a majority of those members in attendance ~~or participating by such other means as described in subsection (g), section four of this article~~ in a meeting of the board, ~~but in any event not fewer than six of the members serving on the board,~~ the board may approve any action to be taken and authorize the executive director for and on behalf of the board to execute and deliver all instruments, agreements, or other documents that are required or are reasonably necessary to effectuate the decisions or acts of the board.

(f) The West Virginia ~~Housing Development Fund~~ Economic Development Authority shall provide office space and staff support services for the director and the board shall act as fiscal agent for the board and, as such, shall provide accounting services for the board, invest all funds as directed by the board, service all investment activities of the board, and shall make the disbursements of all funds as directed by the board, for which the West Virginia ~~Housing Development Fund~~ Economic Development Authority shall be reasonably compensated as determined by the board.

(g) The board and the executive director shall involve students and faculty members of state institutions of higher education in the board's activities in order to enhance the opportunities at the institutions for learning and for participation in the board's investment activities and in the economic development of the state, whether in research, financial analysis, management participation, or in such other ways as the board and the executive director may, ~~in their discretion,~~ find appropriate.

§12-7-6. Corporate powers.

The board may:

(1)(~~ii~~A) Make loans to eligible businesses with or without interest secured if and as required by the board; and (~~ii~~B) acquire ownership interests in eligible businesses. These investments may be made in eligible businesses that stimulate economic growth and provide or retain jobs in this state and shall

be made only upon the determination by the board that the investments are prudent and meet the criteria established by the board;

(2) Accept appropriations, gifts, grants, bequests, and devises and use or dispose of them to carry out its corporate purposes;

(3) Make and execute contracts, releases, compromises, agreements, and other instruments necessary or convenient for the exercise of its powers or to carry out its corporate purposes;

(4) Collect reasonable fees and charges in connection with making and servicing loans, notes, bonds, obligations, commitments, and other evidences ~~evidences~~ evidence of indebtedness, in connection with making equity investments and in connection with providing technical, consultative, and project assistance services;

(5) Sue and be sued;

(6) Make, amend, and repeal bylaws and rules consistent with the provisions of this article;

(7) Hire its own employees, who shall be employees of the State of West Virginia for purposes of ~~articles ten and sixteen, chapter five of this code §5-10-1 et seq. and §5-16-1 et seq. of this code,~~ and appoint officers and consultants and fix their compensation and prescribe their duties;

(8) Acquire, hold, and dispose of real and personal property for its corporate purposes;

(9) Enter into agreements or other transactions with any federal or state agency, college or university, any person and any domestic or foreign partnership, corporation, association, or organization;

(10) Acquire real and personal property, or an interest in real or personal property, in its own name, by purchase or foreclosure when acquisition is necessary or appropriate to protect any loan in which the board has an interest; to sell, transfer, and convey any real or personal property to a buyer; and, in the event a sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease real or personal property to a tenant;

(11) Purchase, sell, own, hold, negotiate, transfer, or assign: (iA) Any mortgage, instrument, note, credit, debenture, guarantee, bond, or other negotiable instrument or obligation securing a loan, or any part of a loan; (iiB) any security or other instrument evidencing ownership or indebtedness; or (iiiC) equity or other ownership interest. An offering of one of these instruments shall include the representation and qualification that the board is a public body corporate, managing a venture capital fund that includes high-risk investments and that in any transfer, sale, or assignment of any interest, the transferee, purchaser, or assignee accepts any risk without recourse to the Jobs Investment Trust or to the state;

(12) Procure insurance against losses to its property in amounts, and from insurers, as is prudent;

(13) Consent, when prudent, to the modification of the rate of interest, time of maturity, time of payment of installments of principal or interest, or any other terms of the investment, loan, contract, or agreement in which the board is a party;

(14) Establish training and educational programs to further the purposes of this article;

(15) File its own travel rules;

(16) Borrow money to carry out its corporate purpose in principal amounts and upon terms as are necessary to provide sufficient funds for achieving its corporate purpose;

(17) Take options in or warrants for, subscribe to, acquire, purchase, own, hold, transfer, sell, vote, employ, mortgage, pledge, assign, pool, or syndicate: (iA) Any loans, notes, mortgages, or securities; (iiB) debt instruments, ownership certificates, or other instruments evidencing loans or equity; or (iiiC) securities or other ownership interests of or in domestic or foreign corporations, associations, partnerships, limited partnerships, limited liability partnerships, limited liability companies, joint ventures, or other private enterprise to foster economic growth, jobs preservation and creation in the ~~state~~ State of West Virginia, and all other acts that carry out the board's purpose;

(18) Contract with either Marshall ~~university~~ University or West Virginia ~~university~~ University, or both, for the purpose of retaining the services of, and paying the reasonable cost of, services performed by the institution for the board ~~in order~~ to effectuate the purposes of this article;

(19) Enter into collaborative arrangements or contracts with private venture capital companies when considered advisable by the board;

(20) Provide equity financing for any eligible business that will stimulate economic growth and provide or retain jobs in this state and hold, transfer, sell, assign, pool, or syndicate, or participate in the syndication of, any loans, notes, mortgages, securities, debt instruments, or other instruments evidencing loans or equity interest in furtherance of the board's corporate purposes;

(21) Form partnerships, create subsidiaries, or take all other actions necessary to qualify as a small business investment company under the United States Small Business Investment Act, PL 85-699, as amended;

(22) Provide for staff payroll and make purchases in the same manner as the ~~housing development fund~~ West Virginia Economic Development Authority;

(23) Indemnify its members, directors, officers, employees, and agents relative to actions and proceedings to which they have been made parties and make advances for expenses relative thereto and purchase and maintain liability insurance on behalf of those persons all to the same extent as authorized for West Virginia business corporations under present or future laws of the state applicable to business corporations generally; and

(24) Contract for the provision of legal services by private counsel and, notwithstanding the provisions of ~~article three, chapter five~~ §5-3-1 et seq. of this code, counsel may, but is not limited to, represent the board in court, negotiate contracts and other agreements on behalf of the board, render advice to the board on any matter relating thereto, prepare contracts and other agreements, and provide any other legal services requested by the board.

§12-7-7. Limitation on investments.

Subject to the provisions of §12-7-9 of this code ~~section nine of this article~~, the board may invest in any eligible business: *Provided*, That at the time of the placement of the investment not more than ~~twenty~~ 20 percent of the board's total investment portfolio is invested in one eligible business within any two-year period: *Provided, however*, That the board may invest in an eligible business up to an additional ~~twenty~~ 20 percent of the board's total investment portfolio, or up to a total of \$2,000,000, whichever is less. The additional investment must be in the form of a short-term debt investment to be repaid within ~~twelve~~ 12 months of the investment: *Provided further*, That the board may extend said ~~twelve~~ 12-month repayment term ~~until September 30, 1994~~, and upon terms consistent with the actions of other investors involved in similar investments with the eligible business if the eligible

business demonstrates to the board: (i~~1~~) That said business is progressing with a plan for capital formation and business development; and (ii~~2~~) that said extension of the ~~twelve-~~ 12-month period, and any other modification thereto, will not substantially prejudice the position of the board in relation to the other investors in, and creditors of, the eligible business: ~~The board shall report any extension of any repayment term made prior March 31, 1994, and approved by the board pursuant to the provisions of this section, to the governor and to the Legislature's joint committee on government and finance within twenty days of such approval: And provided further~~ Provided further, That the board shall report to the ~~governor~~ Governor and the ~~joint committee on government and finance~~ Joint Committee on Government and Finance of its intention to extend any repayment term at least ~~twenty~~ 20 days prior to the board approving any extension made on or after April 1, 1994. Any reported intent to extend any repayment term may be made electronically.

§12-7-8. Funding.

[Repealed].

§12-7-9. Applications for investment priority; investment package.

(a) The board shall accept and review applications from eligible businesses and shall determine the investment worthiness, the benefits to the West Virginia economy, the leverage potential for investments in small business investment companies, the jobs creation potential, and the economic circumstances of the region or regions of the state that would benefit from each proposal. The board shall attempt to balance its investments, as nearly as is practicable, among the geographic regions of the state.

(b) Any faculty or students of a public or private institution of higher education in the state may present for the board's consideration proposals relating to innovative projects or investment opportunities.

(c) An annual audit shall be conducted by an independent firm of certified public accountants and shall be made available to the Legislature annually. A copy of the audit may be provided to the Legislature electronically and paper copies may be provided upon the request of any member.

(d) The board shall forward to the West Virginia ~~housing development fund~~ Economic Development Authority for its review and information approved investment packages containing information as is necessary to permit the West Virginia ~~housing development fund~~ Economic Development Authority to carry out its duties under this article. The board shall determine whether each applicant is an eligible business.

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

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the ~~governor~~ Governor, the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the ~~legislative auditor~~ Legislative Auditor, and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state. The report required in this subsection may be made available electronically on the board's website or through the website of the West Virginia Economic Development Authority. The report may be submitted to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor, or to any legislative committee electronically and paper copies must be provided upon request.

(b) The West Virginia ~~housing development fund~~ Economic Development Authority shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the ~~legislative auditor~~ Legislative Auditor, and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year. The report required in this subsection may be made available electronically on the West Virginia Economic Development Authority's website. The report may be submitted to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor, or to any legislative committee electronically and paper copies must be provided upon request.

CHAPTER 31. CORPORATIONS.

ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

§31-15-6. General powers of authority.

The authority, as a public corporation and governmental instrumentality exercising public powers of the state, shall have and may exercise all powers necessary or appropriate to carry out the purposes of this article, including the power:

(a~~1~~) To cooperate with industrial development agencies in efforts to promote the expansion of industrial, commercial, manufacturing, and tourist activity in this state.

(b~~2~~) To determine, upon the proper application of an industrial development agency or an enterprise, whether the declared public purposes of this article have been or will be accomplished by the establishment by such agency or enterprise of a project in this state.

(c~~3~~) To conduct examinations and investigations and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter relevant to this article and necessary for information on the establishment of any project.

(d~~4~~) To issue subpoenas requiring the attendance of witnesses and the production of books and papers relevant to any hearing before such authority or one or more members appointed by it to conduct any hearing.

(e~~5~~) To apply to the circuit court having venue of such offense to have punished for contempt any witness who refuses to obey a subpoena, to be sworn or affirmed, or to testify or who commits any contempt after being summoned to appear.

(f~~6~~) To authorize any member of the authority to conduct hearings, administer oaths, take affidavits, and issue subpoenas.

(g~~7~~) To financially assist projects by insuring obligations in the manner provided in this article through the use of the insurance fund.

(h~~8~~) To finance any projects by making loans to industrial development agencies or enterprises upon such terms as the authority shall deem appropriate: *Provided*, That nothing contained in this subsection or under any other provision in this article shall be construed as permitting the authority to make loans for working capital: *Provided, however*, That nothing contained in this article shall be construed as prohibiting the authority from insuring loans for working capital made to industrial development agencies or to enterprises by financial institutions: *Provided further*, That nothing contained in this subsection or any other provision of this article shall be construed as permitting the authority to refinance existing debt except when such refinancing will result in the expansion of the enterprise whose debt is to be refinanced or in the creation of new jobs: *And provided further*, That

nothing contained in this subsection or any other provision of this article shall be construed as prohibiting the authority from making working capital loans from a revolving loan fund capitalized with federal grant funds including, but not limited to, federal grant funds received from the United States Economic Development Administration.

(i9) To issue revenue bonds or notes to fulfill the purposes of this article, and to secure the payment of such bonds or notes, all as hereinafter provided.

(j10) To issue and deliver revenue bonds or notes in exchange for a project.

(k11) To borrow money for its purposes and issue bonds or notes for the money and provide for the rights of the holders of the bonds or notes or other negotiable instruments, to secure the bonds or notes by a deed of trust on, or an assignment or pledge of, any or all of its property and property of the project, including any part of the security for loans, and the authority may issue and sell its bonds and notes, by public or private sale, in such principal amounts as it shall deem necessary to provide funds for any purposes under this article, including the making of loans for the purposes set forth in this article.

(l12) To maintain such sinking funds and reserves as the board shall determine appropriate for the purposes of meeting future monetary obligations and needs of the authority.

(m13) To sue and be sued, implead and be impleaded, and complain and defend in any court.

(n14) To adopt, use, and alter ~~at will~~ a corporate seal.

(o15) To make, amend, repeal, and adopt both bylaws and rules and regulations for the management and regulation of its affairs.

(p16) To appoint officers, agents, and employees and to contract for and engage the services of consultants.

(q17) To make contracts and to execute all instruments necessary to carry out the powers and duties of the authority, as provided in this article: *Provided*, That the provisions of §5A-3-3 of this code do not apply to contracts made pursuant to this subdivision: *Provided, however*, That nothing in this article authorizes the authority to enter into contracts or agreements with financial institutions, as that term is defined in §31A-1-2 of this code, for banking goods and services without approval of the State Treasurer, in accordance with §12-1-1 *et seq.* of this code.

(r18) To accept grants and loans from and enter into contracts and other transactions with any federal agency.

(s19) To take title by conveyance or foreclosure to any project where acquisition is necessary to protect any loan previously made by the authority and to sell, by public or private sale, transfer, lease, or convey such project to any enterprise.

(t20) To participate in any reorganization proceeding pending pursuant to the United States Code (being the act of Congress establishing a uniform system of bankruptcy throughout the United States, as amended) or in any receivership proceeding in a state or federal court for the reorganization or liquidation of an enterprise. The authority may file its claim against any such enterprise in any of the foregoing proceedings, vote upon any questions pending therein which requires the approval of the creditors participating in any reorganization proceeding or receivership, exchange any evidence of such indebtedness for any property, security, or evidence of indebtedness offered as a part of the reorganization of such enterprise or of any other entity formed to acquire the assets thereof and may

compromise or reduce the amount of any indebtedness owing to it as a part of any such reorganization.

(~~u~~21) To acquire, construct, maintain, improve, repair, replace, and operate projects within this state, as well as streets, roads, alleys, sidewalks, crosswalks, and other means of ingress and egress to and from projects located within this state.

(~~v~~22) To acquire, construct, maintain, improve, repair, and replace and operate pipelines, electric transmission lines, waterlines, sewer lines, electric power substations, waterworks systems, sewage treatment and disposal facilities, and any combinations thereof for the use and benefit of any enterprise located within this state.

(~~w~~23) To acquire watersheds, water and riparian rights, rights-of-way, easements, licenses, and ~~any and~~ all other property, property rights, and appurtenances for the use and benefit of any enterprise located within this state.

(~~x~~24) To acquire, by purchase, lease, donation, or eminent domain, any real or personal property, or any right or interest therein, as may be necessary or convenient to carry out the purposes of the authority. Title to all property, property rights, and interests acquired by the authority shall be taken in the name of the authority.

(~~y~~25) To issue renewal notes, or security interests, to issue bonds to pay notes or security interests and, whenever it deems refunding expedient, to refund any bonds or notes by the issuance of new bonds or notes, whether the bonds or notes to be refunded have or have not matured and whether ~~or not~~ the authority originally issued the bonds or notes to be refunded.

(~~z~~26) To apply the proceeds from the sale of renewal notes, security interests, or refunding bonds or notes to the purchase, redemption or payment of the notes, security interests, or bonds or notes to be refunded.

(~~aa~~27) To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the United States of America or from any governmental unit or any person, firm, or corporation, and to carry out the terms or provisions of, or make agreements with respect to, or pledge, any gifts or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with the procuring, acceptance, or disposition of gifts or grants.

(~~bb~~28) To the extent permitted under its contracts with the holders of bonds, security interests, or notes of the authority, to consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any bond, security interests, note or contract or agreement of any kind to which the authority is a party.

(~~cc~~29) To sell loans, security interests, or other obligations in the loan portfolio of the authority. Such security interests shall be evidenced by instruments issued by the authority. Proceeds from the sale of loans, security interests, or other obligations may be used in the same manner and for the same purposes as bond and note revenues.

(~~dd~~30) To procure insurance against any losses in connection with its property, operations, or assets in such amounts and from such insurers as the authority deems desirable.

(~~ee~~31) To sell, license, lease, mortgage, assign, pledge, or donate its property, both real and personal, or any right or interest therein to another or authorize the possession, occupancy, or use of such property or any right or interest therein by another, in such manner and upon such terms as it deems appropriate.

(~~ff~~32) To participate with ~~the~~ state and federal agencies in efforts to promote the expansion of commercial and industrial development in this state.

(~~gg~~33) To finance, organize, conduct, sponsor, participate, and assist in the conduct of special institutes, conferences, demonstrations, and studies relating to the stimulation and formation of business, industry, and trade endeavors.

(~~hh~~34) To conduct, finance, and participate in technological, business, financial, and other studies related to business and economic development.

(~~ii~~35) To conduct, sponsor, finance, participate, and assist in the preparation of business plans, financing plans, and other proposals of new or established businesses suitable for support by the authority.

(~~jj~~36) To prepare, publish, and distribute, with or without charge, as the authority may determine, such technical studies, reports, bulletins, and other materials as it deems appropriate, subject only to the maintenance and respect for confidentiality of client proprietary information.

(~~kk~~37) To exercise such other and additional powers as may be necessary or appropriate for the exercise of the powers herein conferred.

(~~ll~~38) To exercise all of the powers which a corporation may lawfully exercise under the laws of this state.

(~~mm~~39) To contract for the provision of legal services by private counsel and, notwithstanding the provisions of §5-3-1 *et seq.* of this code, such counsel may, but is not limited to, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating thereto, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority.

(~~nn~~40) To develop, maintain, operate, and apply for the establishment of foreign trade zones pursuant to and in accordance with all applicable provisions of federal law.

(~~oo~~41) To exercise the powers and responsibilities previously vested in the State Building Commission by §5-6-11a of this code, including, but not limited to, the authority to refund bonds issued in accordance with said section.

(42) To manage the Jobs Investment Trust described in §12-7-1 *et seq.* of this code, and to exercise those powers and responsibilities previously vested in the Jobs Investment Trust Board, as outlined in §12-7-6 of this code.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-20c. Jobs Development Fund.

There is hereby created and established a special fund to be designated as the '~~jobs development fund~~ Jobs Development Fund into which the Housing Development Fund shall, effective July 1, 1992, deposit the sum of \$10 million. Thereafter, the Housing Development Fund shall have no further duty or obligation to, but may in its sole discretion, deposit additional funds. Effective July 1, 2022, such funds shall be governed, administered, and accounted for by the ~~Housing Development Fund West Virginia Economic Development Authority~~ established pursuant to §31-15-1 *et seq.* of this code as a special purpose account separate and distinct from any other moneys, fund, or funds owned or managed by the ~~Housing Development Fund~~ authority. The sole and exclusive purpose of such fund

shall be to provide a source for distribution from time to time to the jobs investment trust as provided for in ~~article seven, chapter twelve §12-7-1 et seq.~~ of this code. Upon receipt by the ~~Housing Development Fund authority~~ from time to time of a written requisition from the trust together with a certificate that the funds so requisitioned will be used in accordance with the provisions of ~~article seven, chapter twelve §12-7-1 et seq.~~ of this code and are expected to be expended within ~~thirty~~ 30 days after such disbursement to fund a loan or other investment or to pay the operating expenses of the trust, the ~~Housing Development Fund authority~~ shall disburse the amount so requisitioned. Until so disbursed, the moneys initially deposited or thereafter from time to time deposited in such fund may be invested and reinvested by the ~~Housing Development Fund authority~~ as permitted under subdivision (8), ~~section six of this article §31-18-6 of this code.~~ Upon the dissolution or the termination of the jobs investment trust board, any funds remaining in the jobs development fund shall automatically revert to the General Fund of the Housing Development Fund free of any limitations provided in this section.

The bill was then ordered to third reading.

Com. Sub. for S. B. 524, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for S. B. 537, Providing additional firefighters and security guards for National Guard; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 542, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk, and adopted, on page 2, section 3, line 19, by striking out the word 'Technology' and inserting in lieu thereof the word 'Information'."

The bill was ordered to third reading.

S. B. 597, Relating to PSC underground facilities damage prevention and one-call system; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 598, Establishing partnerships and aid for at-risk veterans to combat suicide; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 638, Changing hearing and notice provisions for failing or distressed public utilities; having been read a second time and postponed one day on yesterday, was reported by the Clerk.

On motion of Delegate Steele, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 2H. POWER OF COMMISSION TO ORDER MEASURES UP TO AND INCLUDING THE ACQUISITION OF DISTRESSED AND FAILING WATER AND WASTEWATER UTILITIES.

§24-2H-6. Notice to distressed or failing utility and formal proceeding.

(a) A proceeding under this article may be initiated by the commission on its own motion, or by the staff of the commission, or any other person or entity having a legal interest in the financial, managerial or operational condition of the utility, by filing a petition with the commission. In any such petition, the utility shall be named as the respondent. The commission shall include as additional parties any capable proximate public and private utilities that may be able to acquire the utility.

(b) The commission shall hold an evidentiary and public hearing(s) in a location in or within 25 miles of the utility's service area. The commission shall give reasonable notice of the time, place and subject matter of the hearing as follows:

~~(1) A Class I legal publication in a qualified newspaper pursuant to §59-3-2(a) of this code in the county or counties where the utility is located; to take place no more than 10 days before the date of the hearing~~

~~(2)~~ (1) Issuance of a press release;

~~(3)~~ (2) Written notice by certified mail or registered mail to:

(A) The utility;

(B) The Consumer Advocate Division;

(C) Capable proximate public or private utility(s) that were made parties to the proceeding; and

(D) The county commission if the utility is a public service district; or

(E) The municipality if the utility is owned and operated by the municipality.

~~(4)~~ (3) The utility shall give notice to its customers of the time, place and subject matter of the hearing either as a bill insert or printed on its monthly bill statement as ordered by the commission.

(c) The public hearing shall be conducted to receive public comments, including, but not limited to, comments regarding possible options available to bring the distressed or failing utility into compliance with appropriate statutory and regulatory standards concerning actual or imminent public health problems or unreasonable quality and reliability service standards. At the evidentiary hearing, the commission shall receive evidence to determine if the utility is a distressed or failing utility and whether a capable proximate utility should acquire the utility. If there is more than one capable proximate utility, then sufficient evidence should be presented to allow the commission to determine the appropriate capable proximate utility to acquire the distressed or failing utility."

The bill was then ordered to third reading.

First Reading

The following bill on first reading, was read a first time and ordered to second reading:

Com. Sub. for S. B. 650, Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Brown, Espinosa, Hamrick, Householder, Jennings and Paynter.

At 12:16 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 4, 2022.

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

SPECIAL CALENDAR

Friday, March 4, 2022

52nd Day

11:00 A. M.

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 11 - Dennis E. Davis Veterans Nursing Home
- Com. Sub. for S. C. R. 13 - US Army PFC Joseph Stanley McKinney Memorial Bridge
- S. C. R. 23 - USMC CPL Guy Maywood Edwards Memorial Bridge
- H. C. R. 31 - Applying to the Congress of the United States to call a convention of states
- H. C. R. 95 - Clemmer Brothers WWII Veterans Memorial Bridge
- H. C. R. 96 - U. S. Air Force Captain Perry Thomas Rose Memorial Road

THIRD READING

- S. B. 448 - Developing policies and procedures for Statewide Interoperability Executive Committee [RIGHT TO AMEND]
- Com. Sub. for S. B. 520 - Increasing financial penalties for ransomware attacks (CAPITO) (REGULAR)
- Com. Sub. for S. B. 523 - Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority (STEELE) (REGULAR)
- Com. Sub. for S. B. 537 - Providing additional firefighters and security guards for National Guard (STEELE) (REGULAR)
- S. B. 542 - Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development (STEELE) (REGULAR)
- S. B. 597 - Relating to PSC underground facilities damage prevention and one-call system (STEELE) (REGULAR)
- Com. Sub. for S. B. 598 - Establishing partnerships and aid for at-risk veterans to combat suicide (STEELE) (REGULAR)
- S. B. 638 - Changing hearing and notice provisions for failing or distressed public utilities (STEELE) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 524 - Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History (STEELE) (REGULAR)
- Com. Sub. for S. B. 650 - Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants (ANDERSON) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 515 - Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 517 - Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 525 - Expiring funds from unappropriated balance in Lottery Net Profits (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 526 - Supplementing and amending appropriations to Department of Commerce, Office of Secretary (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 527 - Supplementing and amending appropriations to Department of Administration, Office of Technology (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 531 - Increasing annual salaries of certain state employees (HOUSEHOLDER) (JULY 1, 2022) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 626 - Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 627 - Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 628 - Supplementing and amending appropriations to Department of Commerce, DNR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 629 - Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 630 - Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- S. B. 636 - Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 637 - Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Friday, March 4, 2022

52nd Day

11:00 A. M.

UNFINISHED BUSINESS

H. C. R. 42 - Urging U.S. universities to relocate Chinese language programs from mainland China to Taiwan

THIRD READING

Com. Sub. for H. B. 4066 - Distracted Driving Act (CAPITO) (REGULAR)

Com. Sub. for H. B. 4089 - Require certain coverage and reimbursement for a person diagnosed with hypertension (HOUSEHOLDER) (REGULAR)

H. B. 4314 - Exclude Solicitor from the definition of Investment Advisor (CAPITO) (REGULAR)

Com. Sub. for H. B. 4370 - Clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network (HOUSEHOLDER) (REGULAR)

H. B. 4482 - Relating to removing the statutory limit of \$300,000.00 for the Environmental Laboratory Certification Fund (STEELE) (REGULAR)

Com. Sub. for H. B. 4691 - Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality (STEELE) (REGULAR)

Com. Sub. for H. B. 4753 - Prohibiting locating certain homeless facilities near schools and certain daycares (CAPITO) (REGULAR)

H. B. 4761 - Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule (ROHRBACH) (EFFECTIVE FROM PASSAGE)

H. B. 4840 - Relating to Office of Miners Health, Safety and Training (STEELE) (REGULAR) [RIGHT TO AMEND]

SECOND READING

Com. Sub. for S. B. 25 - Updating provisions of Medical Professional Liability Act (CAPITO) (REGULAR)

Com. Sub. for H. B. 2092 - Requiring each high school student to complete a full credit course of study in personal finance (ELLINGTON) (REGULAR)

- H. B. 2882 - Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)
- Com. Sub. for H. B. 4473 - To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties (HOUSEHOLDER) (REGULAR)
- H. B. 4623 - Uniform Common Interest Ownership Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4625 - To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- H. B. 4843 - Relating to locality pay for correctional officers (HOUSEHOLDER) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4483 - Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 4595 - Create camera assisted enforcement of speeding in active work zones (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4731 - To establish the Occupational Therapy Licensure Compact (STEELE) (REGULAR)
- H. B. 4841 - Relating to open captioning for motion pictures (STEELE) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 4, 2022

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON ENERGY AND MANUFACTURING –
PUBLIC HEARING**

8:00 A.M. – HOUSE CHAMBER

**COM. SUB. FOR S. B. 650, ELIMINATING NUMBER OF ROYALTY
OWNERS REQUIRED FOR UTILIZATION BY OPERATOR FOR
LAWFUL USE AND DEVELOPMENT BY CO-TENANTS.**

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 410 M

COMMITTEE ON EDUCATION

9:00 A.M. – ROOM 434 M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

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