

# Criminal Law

# **BILL SUMMARY**

**BILL NUMBER: S.B.164**

**RELATING TO: Relating generally to trespassing**

**SPONSORS: Hunt and Deeds**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE:     §61 - 3 B- 2  
                              §61 - 3 B- 3  
                              §61 - 3 B- 6  
                              §61 - 3 B- 7  
                              §61 - 3 B- 8**

The bill clarifies protected activities relating to trespass on property other than a structure or conveyance; makes double damages applicable to all violations of the article including cleanup costs; authorizes courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction; and creates criminal penalties.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 26, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.190**

**RELATING TO: Modifying definition of sexual contact**

**SPONSORS: Weld, Deeds, Trump, Woelfel, Barrett, Takubo, Caputo**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §61 - 8 B- 1**

**§61 - 8 B- 3**

**§61 - 8 B- 5**

The bill modifies the definition of sexual contact and removes marriage as a defense to first-degree and third-degree sexual assault where a victim who is married to certain actors is younger than 12 years of age for first-degree sexual assault or less than 16 years of age for third-degree sexual assault.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 22, 2024**

SB269 SFBM JUD

SENATE COMMITTEE ON THE JUDICIARY  
COUNSEL: Smith

**FLOOR BOOK MEMO**

**COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 269**

**BY:** Senator Deeds, Senator Grady, Senator Takubo, Senator Stuart, Senator Trump, Senator Caputo, Senator Swope

**SHORT TITLE:** Excluding test strips from definition of drug paraphernalia.

**DATE INTRODUCED:** January 16, 2024

**CODE REFERENCE:** Repeals §60A-4-403a; amends and reenacts §47-19-3.

**PROPOSED LAW PRESENTED TO THE COMMITTEE:** The bill repeals a section of code judicially declared unconstitutional (US District Court) and amends another to remove drug testing strips from the definition of paraphernalia. The purpose is to allow persons to use the strips to avoid using highly dangerous drugs which are often used as adulterants.

**TITLE:** OK

**FISCAL NOTE:** NO

**GOVERNMENT AGENCIES AFFECTED:** Law enforcement; courts.

**EFFECTIVE DATE:** Passage

**OTHER COMMITTEE REFERENCE AND/OR ACTION:**

**COMMENTS:**

**COMMITTEE ACTION:** The Committee on the Judiciary recommended Committee Substitute for SB269 be reported to the full Senate with the recommendation it do pass.

# **BILL SUMMARY**

**BILL NUMBER: S.B. 378**

**RELATING TO:** Prohibiting smoking in vehicle when minor 16 or under is present.

**SPONSORS:** Senators Takubo, Grady, Woelfel and Hamilton

**ATTORNEY:** Alice Chakmakian

**DATE:** March 14, 2024

**CODE:** §16-9A-11 (new)

The bill amends the provisions of the WV Code to add a new section to the Code which provides a new misdemeanor offense of smoking in a motor vehicle while a person 16 years of age or less is present. This offense is secondary and only enforced if a person has been detained for probable cause for another offense. The offender must be at least 18 years of age. If convicted, the offender would be fined \$25. No court costs or other fees may be assessed for a violation of the new section.

**EFFECTIVE DATE:** 90 Days From Passage (June 5, 2024)

**DATE OF PASSAGE:** March 7, 2024

**ACTION OF GOVERNOR:** March 22, 2024 - Approved

---

Notes:

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.504**

**RELATING TO: Relating to felony offense of sexual intercourse, intrusion, or contact with student**

**SPONSORS: Clements, Grady, Woelfel, Deeds**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §16 - 8 B- 11 b**

The bill modifies elements of a felony offense pertaining to when a school employee, volunteer, or resource officer engages in sexual intercourse, intrusion, or contact with students, provides an exemption, and creates criminal penalties.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 6, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 22, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.578**

**RELATING TO: Clarifying offense of burglary**

**SPONSORS: Trump, Woelfel, Deeds**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §61 - 3 - 11**

The bill clarifies that the offense of burglary involves a dwelling or outbuilding belonging to another, what constitutes a dwelling of another and establishing criminal penalties.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 27, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.778**

**RELATING TO: Amending certain qualifying offenses to enhance sentences of repeat offenders**

**SPONSORS: Weld and Deeds**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §61 - 11 - 18**

The bill provides technical cleanup and adds a number of new felony offenses which upon conviction allow for an enhances sentence if the person had one or more prior felony convictions.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 27, 2024**



# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4399**

**RELATING TO: Creating the equitable right to expungement**

**SPONSORS: Nestor, Kump, Lewis**

**ATTORNEY: DSM**

**DATE: March 18, 2024**

**CODE REFERENCE: §61-11-25 (Amended)**

The bill amends the code §61-11-25 to provide that any person whose charges have been dismissed following a full and successful completion of a pre-trial diversion pursuant to §61-11-22, or whose charges have been dismissed following the full and successful completion of a deferred adjudication pursuant to §61-11-22a, may file a civil petition in the circuit court in which the dismissed charges were filed to expunge all records relating to the arrest, charges or other matters arising out of the arrest or charges.

There is a proviso that clarifies exceptions to the allowance for an expungement relating to **deferred adjudications**. The committee substitute states that any charges ultimately dismissed by way of full and successful completion of any deferred adjudication be expunged for charges related to domestic assault and domestic battery, stalking, harassment, or for charges relating to assault or battery where the alleged victim is a family or household member as defined in §48-27-204.

**EFFECTIVE DATE: June 7, 2024.**

**DATE OF PASSAGE: Completed legislative action March 9, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on March 27, 2024.**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4667**

**RELATING TO: Prohibiting syringe services programs from distributing listed smoking devices**

**SPONSORS: Chiarelli**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §16 - 64 - 3**

The bill prohibits syringe services programs from distributing including, but not limited to, hand pipes, bubblers, bongs, dab rigs, hookahs, crack pipes, or disposable smoking devices.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 4, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 22, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4845**

**RELATING TO: To prohibit swatting**

**SPONSORS: Delegates Hillenbrand, Chiarelli, McGeehan, C.Pritt, Phillips, Brooks, Shamblin, Thorne, Maynor, Ridenour, and Hanshaw (Mr.Speaker)**

**ATTORNEY: BC**

**DATE: March 20, 2024**

**CODE REFERENCE: §61-6-20 (amend)**

The bill amends the section criminalizing falsely reporting an emergency incident, to provide that any person convicted of a second or subsequent violation of the provisions of this section; or, of a violation of this section which results in actual physical harm to any person is guilty of a felony, and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned. additionally, it allows for restitution to be ordered to a law enforcement agency or emergency service provider involved in the emergency response

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Signed by Governnor March 22, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4998**

**RELATING TO: Modifying penalties for third offense shoplifting**

**SPONSORS: Kirby, Nestor, Brooks, Hornbuckle, Pritt, E.**

**ATTORNEY: DSM**

**DATE: March 18, 2024**

**CODE REFERENCE: §61-3A-3 (Amended)**

The bill amends the code to provide that upon a conviction for 3<sup>rd</sup> Offense Shoplifting the defendant shall be eligible for probation and not subject to a mandatory one-year confinement in a jail or other correctional facility.

The bill also amends the code to provide that if a court finds probable cause exists that a person convicted of third, or subsequent, offense of shoplifting was abusing drugs or alcohol at the time of the offense it shall order an evaluation on that issue and if the court finds, based upon that evaluation, that a convicted person suffers from a substance use disorder, the Court may order that the defendant undergo treatment for substance use disorder as a part of their sentence.

**EFFECTIVE DATE: June 5, 2024.**

**DATE OF PASSAGE: Completed legislative action March 7, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on March 26, 2024.**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4999**

**RELATING TO: Creating exception to spousal privilege**

**SPONSORS: Kirby, Steele, Brooks, Pritt, C.**

**ATTORNEY: DSM**

**DATE: March 18, 2024**

**CODE REFERENCE: §57-3-3**

The bill creates an expansion to statutory exceptions to the spousal testimonial privilege to include offenses committed against the grandchildren of either spouse and also adds minors, as defined in §2-2-10 of this code, or any person deemed incompetent by mental disease, defect, or other disability.

**EFFECTIVE DATE: June 6, 2024.**

**DATE OF PASSAGE: Completed legislative action March 8, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on March 27, 2024.**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5510**

**RELATING TO: Clarify law regarding the crime of witness tampering**

**SPONSORS: Winzenreid, Garcia, Fluharty, McGeehan, Zatezalo, Westfall, Mallow, Kimble**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §61 - 5 - 27**

The bill clarifies the prerequisites for the crime of intimidation and retaliation against a public official, witness, or juror.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 26, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5662**

**RELATING TO: Relating to adding "person in a position of trust" to certain crimes**

**SPONSORS: Kelly, Hott, Steele**

**ATTORNEY: DSM**

**DATE: March 19, 2024**

**CODE REFERENCE: §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, and §61-8D-4a (All amended)**

The bill clarifies the definition of a "person in a position of trust in relation to a child" as being any person who, under law or agreement, is acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child or someone responsible for the general supervision of a child's welfare, or any person who by virtue of their occupation or position is charged with any duty or responsibility for the health, education, welfare, or supervision of the child. The bill also updates the definition section of the article to align the terms "gross neglect" and "abuse" with updates to the criminal statutes.

The bill then adds "person in position of trust in relation to a child" to the categories of persons who would be held criminally liable for violation of various statutes, including:

- (1) murder of a child by refusal or failure to supply necessities, or by delivery, administration or ingestion of a controlled substance;
- (2) death of a child by child abuse;
- (3) child abuse resulting in injury;
- (4) child abuse creating risk of injury;
- (5) female genital mutilation;
- (6) child neglect resulting in injury;
- (7) child neglect creating risk of injury; and
- (8) child neglect resulting in death.

The bill also provides prohibitions on the exercise of religious objections for workers charged with caring for a child.

**EFFECTIVE DATE: June 5, 2024.**

**DATE OF PASSAGE: Completed legislative action March 7, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on March 26, 2024.**



# Family Law Issues

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.318**

**RELATING TO: Modifying process of when parental rights are terminated**

**SPONSORS: Trump, Weld, Woelfel, Deeds, Plymale, Takubo**

**ATTORNEY: DSM**

**DATE: March 19, 2024**

**CODE REFERENCE: §48-22-502 (Amended); §49-4-117 (new code)**

The bill amends **§48-22-502** to require that where there is a termination of parental rights, a verified petition for adoption relating to that child must state that either (1) the decision terminating the parental rights has been affirmed on appeal and the time for reconsideration of the appellate decision has expired; or (2) the termination decision has not been appealed and the time for filing an appeal has expired.

The bill amends **§49-4-117** to address the Department of Human Services' new obligation relating to adoptions where a parent's rights have been terminated. Specifically, where the adoption involves a termination of parental rights under our state's abuse and neglect law, the Department of Human Services is required to issue a certificate containing the information regarding the parent's appeal (or absence of the appeal). The certificate is then attached to the adoption petition.

**EFFECTIVE DATE: May 9, 2024**

**DATE OF PASSAGE: Completed legislative action February 9, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on February 20, 2024.**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4975**

**RELATING TO: Relating to establishing a foster parent information system**

**SPONSORS: Burkhammer, Pinson, Tully, Heckert, Kimble, Young, Petitto, Mazzocchi, Vance**

**ATTORNEY: CR**

**DATE: March 6, 2024**

**CODE REFERENCE: 49-2-111c; Amends**

## **BRIEF DESCRIPTION:**

The bill outlines the priorities for the use of funds in the Department of Human Services, as directed by the Legislature. It mandates the development and implementation of a web-based communication system to facilitate information exchange among parties involved in the child welfare system, ensuring timely updates, evaluations, and reporting on responsiveness. The bill sets forth the components on the system to include: that permission to utilize the system about a foster child is granted to only those parties with legal responsibility to care for and support the foster child; facility communications between those individuals involved in the child welfare system; foster parent or kinship parent request and responses to request to staff of the bureau; provide information regarding visitation, appointments, travel and other services available to the foster child; provide information regarding court hearings, meetings with the guardian ad litem, and MDT; provide health records, have the capacity to archive communications for the purpose of running reports, be created to prevent the input of redundant information. The bill requires that by July 1, 2026, and quarterly thereafter the department shall analyze and evaluate a CPS workers responsiveness to information placed in the system which shall be shared with the Foster Care Ombudsman and LOCHHRA.

The specific requirements and deadlines outlined for implementation and evaluation are that the system be implemented on or before July 1, 2025, and the project completed on or before July 1, 2026. The department shall analyze and evaluate the average time CPS worker takes to update the web-based communication system on or before July 1, 2026, and quarterly thereafter; and share the analysis with the Foster Care Ombudsmen and presented to LOCHHRA on or before July 1, 2026, and annually thereafter. The Department shall submit a report to LOCHHRA on the overall status of the implementation of the web-based communication system on or before December 31, 2024.

**EFFECTIVE DATE: Passage**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Approved by Governor – 3/26/24**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5151**

**RELATING TO: Relating to defining term fictive kin**

**SPONSORS: Pinson, Heckert, Winzenreid, Hornby, Riley, Hall, W., Kimble, Petitto**

**ATTORNEY: DSM**

**DATE: March 18, 2024**

**CODE REFERENCE: §49-1-206**

The bill amends **§49-1-206** to expand the definition of “fictive kin” to include “foster parents with whom the child has previously been placed.

The bill also amended **§49-1-206** to provide a definition for “restorative justice program”.

**EFFECTIVE DATE: June 7, 2024.**

**DATE OF PASSAGE: Completed legislative action March 9, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on March 27, 2024.**

# Civil Law

# BILL SUMMARY

**BILL NUMBER: S. B. 170**

**RELATING TO:** Workers' Comp Rebuttable Presumption for Firefighters

**SPONSORS:** Senators Weld, Takubo, Phillips, Tarr, Oliverio, Deeds, Swope, Hamilton, Queen, Woodrum, Stuart, Jeffries and Grady

**ATTORNEY:** Mark McOwen

**DATE:** March 27, 2024

**CODE:** §23-4-1 (amend)

The bill provides that a rebuttable presumption exists in a Workers' Compensation case for a professional firefighter who has developed *bladder cancer, mesothelioma, or testicular cancer* arising out of, and in the course of, employment as a firefighter has received an injury or contracted a disease arising out of, and in the course of, his or her employment if certain conditions are met.

One of those conditions is that the firefighter "has not used tobacco products for at least 10 years." That condition is modified as follows: the firefighter "has not used tobacco products more than six times in a calendar year for at least 10 years."

The bill also adds language that provides that "[t]he amendments made to this section during the regular session of the Legislature, 2024, to include bladder cancer, mesothelioma or testicular cancer arising out of, and in the course of, employment as a firefighter as a rebuttable presumption expire on July 1, 2027, unless extended by the Legislature."

**EFFECTIVE DATE:** From Passage  
**DATE OF PASSAGE:** March 8, 2024  
**ACTION OF GOVERNOR:** March 26, 2024 - Approved

---

**Notes:** Current law, as shown in the bill at §23-4-1(h), already provides that a rebuttable presumption exists in a Workers' Compensation case for a professional firefighter who has developed *leukemia, lymphoma, or multiple myeloma*, arising out of, and in the course of, employment as a firefighter has received an injury or contracted a disease arising out of, and in the course of, his or her employment if those conditions are met.

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.583**

**RELATING TO: Relating to employer liability and damages in civil actions involving commercial motor vehicles**

**SPONSORS: Stuart, Azinger, Deeds, Phillips, Smith, Tarr, Roberts, Taylor**

**ATTORNEY: DSM**

**DATE: March 19, 2024**

**CODE REFERENCE: §55-7-32 (New code)**

The bill places a \$5 million cap on noneconomic damages against an employer defendant in civil actions involving commercial motor vehicles. This cap on noneconomic damages is per plaintiff and per occurrence on personal injury and wrongful death claims.

The bill provides that for an employer defendant to take advantage of the cap, it must have liability insurance in the amount of at least \$3 million dollars. The cap would also not apply in certain circumstances where, at the time of the incident, the operator of the commercial motor vehicle: (1) was under the influence of a controlled substance, other drug, inhalant, or alcohol; (2) subsequently refused to submit to a breathalyzer exam per West Virginia law; (3) was driving in excess of the hours permitted under state/federal law; (4) was engaging in reckless driving; (5) was operating an overloaded vehicle not under special permit; or (6) engaged in distracted driving as set forth in our code.

This bill provides an indexing provision relating to the cap on noneconomic damages. Specifically, the cap would be adjusted upward annually using the consumer price index to account for inflation, but the adjustment cannot exceed 150 percent of the original \$5 million dollar figure.

The bill provides that this section is effective on July 1, 2024, and only applies to a cause of action that arises after that date.

**EFFECTIVE DATE: July 1, 2024.**

**DATE OF PASSAGE: Completed legislative action March 9, 2024.**

**ACTION OF GOVERNOR: No objection filed by Governor.**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.850**

**RELATING TO: Updating Consumer Credit and Protection Act**

**SPONSORS: Trump**

**ATTORNEY: JM/WRV**

**DATE: March 28, 2024**

**CODE REFERENCE:**     §46 A- 6 N- 1  
                              §46 A- 6 N- 4  
                              §46 A- 6 N- 6  
                              §46 A- 6 N- 7  
                              §46 A- 6 N- 9

The bill updates the Consumer Credit and Protection Act to reflect the issuance of an ethics opinion on litigation financing and addresses evolutions to the market and a desire to increase transparency of transactions.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 27, 2024.**



# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4940**

**RELATING TO: A squatter cannot be considered a tenant in WV.**

**SPONSORS: Delegates Crouse, Lucas, Winzenreid, Petitto, and Smith**

**ATTORNEY: BC**

**DATE: March 20, 2024**

**CODE REFERENCE: §37-6-31 (New) §55-3C-1 (New) §55-3C-2 (New) §55-3C-3 (New)**

The bill adds a new section to the landlord-tenant provisions of Code to provide that eviction should not be used in cases involving squatting. It then adds a new article to the Chapter dealing with Actions, Suits and Arbitration addressing the issue to provide clarity; removes sections from adverse possession; and clarifies that squatting is synonymous with trespass.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Signed by Governor March 22, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5238**

**RELATING TO: Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles**

**SPONSORS: Delegate Linville**

**ATTORNEY: BC**

**DATE: March 20, 2024**

**CODE REFERENCE: §17B-2-3a (amend)**

This bill amends one section of the West Virginia Code to add a provision that all adjudications of delinquency, deferred adjudications, or convictions of any type had in a juvenile proceeding which involves a traffic offense, a violation of any provision of this section, or an order in furtherance of §49-4-713 or §49-4-715 of this code shall be forwarded to the Commissioner of the Division of Motor Vehicles notwithstanding §49-5-101 of this code

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Signed by Governor March 27, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5395**

**RELATING TO: Relating to judicial review of Board decisions**

**SPONSORS: Steele, Hanshaw (Mr. Speaker)**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §21 A- 7 - 17**

**§21 A- 7 - 20**

This bill clarifies that the Commissioner of the Bureau of Unemployment Programs and the Board of Review are not necessary parties to an appeal of board decisions.

**EFFECTIVE DATE: Effective from passage**

**DATE OF PASSAGE: March 1, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 26, 2024**

# Education

# **BILL SUMMARY**

**BILL NUMBER: S.B.159**

**RELATING TO: Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education**

**SPONSORS: Weld, Boley, Chapman, Deeds, Oliverio, Phillips, Roberts, Rucker, Swope, Tarr, Woodrum, Hamilton, Trump, Stuart, Grady, Jeffries**

**ATTORNEY: JM/WRV**

**DATE: March 28, 2024**

**CODE REFERENCE:     § 3 - 5 - 7  
                           §18 - 2 - 1  
                           §18 - 5 - 1 A**

This bill prohibits persons who have been convicted of certain crimes against minors from holding positions on boards of education and requires candidates for the county board of education to include a statement on the certificate of announcement that he or she swears and affirms they have not been convicted of certain crimes against minors.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 27, 2024.**

## **BILL SUMMARY**

### **BILL NUMBER: S.B.172**

**RELATING TO:** Revising requirements of local school improvement councils.

**SPONSORS:** Grady, Rucker, Woodrum, Deeds, Swope, Jeffries

**ATTORNEY:** DAM

**DATE:** March 28, 2024

**CODE REFERENCE:** Amends §18-5A-2

This act changes the membership of Local School Improvement Councils (LSIC) by allowing one of the two service persons to be a bus driver rather than requiring one to be a bus driver; and simplifying the method of electing the three parent/guardian/custodian members by simply requiring in all cases that those members be elected by the parents, guardians, and custodians of students enrolled in the school.

It requires minutes to be taken at every LSIC meeting and made available on the school's website and upon request.

The act requires that a report of concerns, suggestions, and points raised during the LSIC's annual meeting regarding the school's academic performance be produced and made available on the school's website and forwarded to both the county board and the Department of Education's (DOE) Office of Accountability and posted on the county board's website.

It requires that the role and governance of LSICs be covered at least once a year in training provided to principals, county boards, and others the state board determines appropriate, upon employment and every three years thereafter. It requires a document to be produced explaining to parents and community leaders their role in LSICs; requires the document to be made available on the DOE's website; and allows the document to be distributed to parents.

The act allows a public charter school, at its discretion to abide by all or some of the LSIC requirements and may modify any of the requirements it elects to follow to adapt them to be consistent with the operations of the school.

**EFFECTIVE DATE:** May 26, 2024

**DATE OF PASSAGE:** February 26, 2024

**ACTION OF GOVERNOR:** Approved March 07, 2024.

**BILL SUMMARY**

**BILL NUMBER: H.B.4830**

**RELATING TO:** Addressing the Professional Development of Teachers

**SPONSORS:** Toney, Ellington, Statler, Ferrell, Campbell, Hornby, Longanacre

**ANALYST:** MBM

**DATE:** March 28, 2024

**CODE REFERENCE:** : Amends §18-2-40, §18-2-41, §18-2C-5, §18-5-15a, §18-9F-10, and §61-8F-6.

This act modifies the frequency of training for those employed in in the care, housing, and education of disabled children as well as their supervisory personnel and administrators from annually to upon employment and every three years thereafter. It adds a requirement for first aid training to include blood borne pathogen information requires training on mandatory reporting obligations.

**EFFECTIVE DATE:** June 7, 2024

**DATE OF PASSAGE:** March 8, 2024

**ACTION OF GOVERNOR:** Approved March 26, 2024

**BILL SUMMARY**

**BILL NUMBER: H.B.4860**

**RELATING TO:** Clarifying general education teachers are not responsible for daily accommodation logs.

**SPONSORS:** Pritt, E. Ellington, Toney, Campbell, Willis, Dittman, Stephens, Foggin, DeVault, Ross

**ANALYST:** MBM

**DATE:** March 28, 2024

**CODE REFERENCE:** Amends §18-2-1C

This act provides that general education teachers may not be forced to do daily accommodation logs. The act clarifies that all accommodations will still be met, in accordance with the federal law IDEA; that the special education teacher is the one who is responsible for monitoring accommodations being met; and that parents may still request daily accommodations.

**EFFECTIVE DATE:** June 2, 2024

**DATE OF PASSAGE:** March 4, 2024

**ACTION OF GOVERNOR:** Approved March 27, 2024



## BILL SUMMARY

### **BILL NUMBER: Com. Sub. for H.B.5162**

**RELATING TO:** Establish a program to promote creation and expansion of registered apprenticeship programs

**SPONSORS:** Howell, Mallow, Adkins, Campbell, DeVault, Householder, Jeffries, Thorne, Ferrell, Foster, Willis

**ANALYST:** MBM

**DATE:** March 28, 2024

**CODE REFERENCE:** Adds §18-2-7G; Amends §21-1E-2, §21-1E-3, and §21-6-2

This act creates the "Youth Apprenticeship Program" which allows any public, private, or home school student in the 11<sup>th</sup> or 12<sup>th</sup> grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs; and provides that any student participating in the program can receive secondary credit or other credentialing for the apprenticeship when the apprenticeship is approved by the local county board of education and in keeping with the rules of the Division of Labor.

The act provides that the WV Department of Education (DOE) is responsible for establishing the program, including setting standards, providing guidelines for county boards to approve local enterprise and granting release time from public schools to participate in the program. It requires that the program include a broad range of skills, including those specifically focused on manufacturing, engineering technology, administration and office technology, and health care; requires the county boards of education to develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment; and requires the program to create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

The act requires that the DOE develop pilot projects for the 2024-2025 school year and implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year; and requires that each apprenticeship meet the DOE's criteria which at least must include:

- A detailed training plan between the employer and the apprentice that identifies specific work tasks that will develop workplace competency;
- A minimum of 135 classroom hours of related academic instruction and training;
- A minimum of 400 hours of on-the-job training;
- A progressive wage schedule established by the participating employer;
- On-site evaluation of the student's performance; and
- Training remediation, as necessary, at the school site.

The act provides that the training hours accumulated by a student's participation in the "Youth Apprenticeship Program" counts toward the student's certifications or licensures, if appropriate.

It requires the State Board of Education, the Higher Education Policy Commission, and the Department of Commerce to maintain a list of current apprenticeships throughout the state.

The act creates an exception to the prohibition against a child under 18 years of age from being employed in certain occupations for those authorized under the Youth Apprenticeship Program; and establishes exemptions for certain students performing roofing operations.

**EFFECTIVE DATE:** June 7, 2024

**DATE OF PASSAGE:** March 9, 2024

**ACTION OF GOVERNOR:** Approved March 26, 2024

# BILL SUMMARY

**BILL NUMBER: COM. SUB. FOR H. B. 5514**

**RELATING TO:** County Board of Education Members

**SPONSORS:** Delegates Statler, Toney and Foggin

**ATTORNEY:** Mark McOwen

**DATE:** March 28, 2024

**CODE:** §18-5-1a and -4 (amend)

The bill modifies current law primarily to change compensation and training requirements for members of county boards of education, as follows:

1. Requires newly elected or appointed members of local boards of education to learn “fiscal management” in addition to other topics now required in their orientation training provided by the State Board of Education.

2. Requires the orientation training be completed within 30 days of being sworn.

3. Enlarges the curriculum of topics the State Board of Education must provide annually to members.

4. Increases the requisite time spent in training annually from 7 to 12 hours.

5. Adds the Legislature’s Education Chairs to the State Board of Education’s “County Board Member Training Standards Review Committee,” then adds requirement that the State Superintendent of Schools report annually to Legislative Oversight Commission on Education Accountability about the committee’s activities, what training is being provided and participation by board members.

6. Increases board member pay per meeting (\$160 to \$260) and reduces maximum number of paid meetings per year (50 to 40). New language is also added to require that “a county board member who is in default of a training requirement established in §18-5-1a of this code shall not, until after the default is cured, receive compensation for any meeting held during the period of default. For purposes of compensation, a member in default of a training requirement may cure the default by completing the unfulfilled training requirements within three months of the default. Upon curing the default, the member shall receive compensation, without interest, for the meetings held during the period of default.” New language is also added to provide that “up to five paid meetings may be provided when planning for activities such as running an election for excess levy, construction bond hearings, school closure hearings, personnel hearings, student expulsion hearings, and in the case of a disaster: *And provided further*, That members shall be paid for up to two trainings.”

7. Changes from “may” to “shall” certain directives regarding a county board of education joining the West Virginia School Board Association and regarding the payment of dues to that

organization and the National School Board Association. Accordingly, §18-5-4(g) now provides in relevant part:

“(g) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board *shall* join the West Virginia School Board Association and may join the National School Board Association and *shall* pay the dues prescribed by the associations and approved by action of the respective county boards.”

8. §18-5-4(g) is also amended to require that board member dues *shall* be paid for member attendance at meetings of the West Virginia School Board Association and that they shall be paid upon “presentation of receipts” rather than upon “sworn itemized statements.”

<b>EFFECTIVE DATE:</b>	<b>90 Days From Passage (June 7, 2024)</b>
<b>DATE OF PASSAGE:</b>	<b>March 9, 2024</b>
<b>ACTION OF GOVERNOR:</b>	<b>March 27, 2024 - Approved</b>

---

Notes:

# Elections

# **BILL SUMMARY**

**BILL NUMBER: S.B.166**

**RELATING TO: Updating contested elections procedures**

**SPONSORS: Chapman, Deeds, Hunt, Oliverio, Roberts, Rucker, Swope, Tarr, Woodrum, Stuart**

**ATTORNEY: JM/WRV**

**DATE: March 28, 2024**

**CODE REFERENCE:     § 3 - 7 - 3  
                              § 3 - 7 - 6  
                              § 3 - 7 - 7**

The bill changes the initial forum to circuit court with a right to appeal directly to the Supreme Court of Appeals, provides that when an election contest involves a challenge to the counting of certain votes, the recount procedure set forth in §3-6-9 shall be completed before the contest is filed, and for contests around a candidate's eligibility, the legality of the election, or alleging fraud, the recount procedures are not a prerequisite to the challenge.

**EFFECTIVE DATE: January 1, 2025**

**DATE OF PASSAGE: March 7, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 26, 2024.**

**BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B. 624**

**RELATING TO: Cancelling voter registration records for individuals no longer WV residents**

**SPONSORS: Senators Tarr, Woodrum, Roberts and Takubo**

**ATTORNEY: BC**

**DATE: March 25, 2024**

**CODE AFFECTED: §3-2-6 and §3-2-27 (amend)**

SB624 adds a new requirement that county clerks must cancel a person's voting record once the Secretary of State notifies the clerk that the person is no longer a West Virginia citizen and has obtained a driver's license in another state, based on information provided by the Division of Motor Vehicles.

The bill was amended yesterday to include a provision that voter registration before an election closes on the 21st day before the election or on the first day thereafter which is not a Saturday, Sunday, or legal holiday--at

(1) 11:59 p.m. for online registration; or

(2) At the close of business at county clerk's offices and the Secretary of State's office.

The committee substitute clarifies that these amendments will not go into effect until January 1, 2025 (i.e., after the current election cycle).

**EFFECTIVE DATE: January 1, 2025**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Signed by Governor March 27, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4552**

**RELATING TO: To ensure party affiliation is consistent with candidate's voter registration**

**SPONSORS: Delegates Barnhart, Kimble, Heckert, and Hillenbrand**

**ATTORNEY: BC**

**DATE: March 20, 2024**

**CODE REFERENCE: §3-5-7 (amend)**

This bill attempts to places in Code language which provides that prior to accepting a Certificate of Announcement for filing for a partisan office, the Secretary of State's Office, clerk of the county commission, recorder or city clerk shall electronically verify a candidate's current party affiliation as subscribed and sworn to by the candidate. If a candidate's current party affiliation is not as stated on the Certificate of Announcement, the filing shall be refused.

**EFFECTIVE DATE: January 1, 2025**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Signed by Governor March 27, 2024**



announcement must be refused if the candidate's actual current party affiliation does not match the party named in the certificate of announcement.

Finally, the amendment adds an internal effective date of January 1, 2025 (i.e., after the current election cycle).

**TITLE:** Proposed title amendment

**FISCAL NOTE:** N/A

**GOVERNMENT AGENCIES AFFECTED:** Secretary of State, County Clerks

**EFFECTIVE DATE:** January 1, 2025

**OTHER COMMITTEE REFERENCE AND/OR ACTION:** No 2<sup>nd</sup> reference

**COMMENTS:** Text

**COMMITTEE ACTION:** The Committee on the Judiciary reported the Strike and Insert Amendment to the full Senate with recommendation it do pass.

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.4350**

**RELATING TO: Relating to appointment of candidates after filing period**

**SPONSORS: Delegates Holstein, Kump**

**ATTORNEY: BC**

**DATE: March 20, 2024**

**CODE REFERENCE: §3-5-11, §3-5-19. (amend)**

Currently, in the event no one files to run in a party primary where the office is filled by partisan election, a political party may fill the vacancy up to 3 weeks following the close of filing. This bill would remove that opportunity, and an office where no person had filed or where there is a withdrawal without cause., would simply remain vacant. In instances where a candidate had filed and withdrawn with cause, or had died, a vacancy could still be filled.

**EFFECTIVE DATE: January 1, 2025**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Signed by Governor March 27, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5298**

**RELATING TO: Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election**

**SPONSORS: Delegates Espinosa, Clark, W., and Young**

**ATTORNEY: BC**

**DATE: March 20, 2024**

**CODE REFERENCE: §3-5-4 (amend)**

This bill amends one section of the West Virginia Code to state that no person who was a candidate for nomination by a recognized political party as defined in §3-1-8 of this code may, after failing to win the nomination of a political party, become a candidate for the same political office in the general election as an affiliate of another political party by virtue of that political party's convention process.

**EFFECTIVE DATE: January 1, 2025**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Text**

# Business Laws

# **BILL SUMMARY**

**BILL NUMBER: S.B.142**

**RELATING TO: Clarifying deadline to file annual report for companies authorized to do business in WV**

**SPONSORS: Woodrum, Clements, Deeds, Nelson, Oliverio, Phillips, Rucker, Swope, Tarr, Hamilton, Jeffries**

**ATTORNEY: CW**

**DATE: March 25, 2024**

**CODE REFERENCE: §59 - 1 - 2 A**

SB 142 change the deadlines for a business entity's filings with the Secretary of State from July 1 to June 30. The bill authorizes the Secretary of State to waive new business registration fees at up to three entrepreneurship events or conferences within the state of West Virginia. The bill also adds invalid account number as a ground for issuance of a "bad check fee." Non-governmental entities wishing to make an annual report filing with the Secretary of State on behalf of a WV business entity in a solicitation would also be required to display in the heading on the front and back of each page of the solicitation that the product or service, as well as the offer, have not been approved or endorsed (nor is it being made), by any government agency; where the solicitation is mailed, the envelope, cover or wrapper must clearly indicate that the solicitation is not a government document; and on each fee schedule page, there should be a disclosure that the annual report filings may be filed with the Secretary of State for the statutory \$25 fee. These disclosures come with font and display requirements. The bill also creates a misdemeanor criminal penalty for a violation of these requirements of up to a \$1,000 per noncompliant solicitation or up to one year confinement, or both. An additional civil penalty allows a harmed individual to collect up to three times the solicited amount and, at the court's discretion, attorneys' fees and costs.

**EFFECTIVE DATE: 90 Days (June 5, 2024)**

**DATE OF PASSAGE: March 7, 2024**

**ACTION OF GOVERNOR: Approved by Governor 3/22/2024.**

# **BILL SUMMARY**

**BILL NUMBER: S.B.262**

**RELATING TO: Clarifying procedure for administrative dissolution of corporations by Secretary of State**

**SPONSORS: Woodrum**

**ATTORNEY: CW**

**DATE: March 25, 2024**

**CODE REFERENCE: §31 D- 14 -1421**

SB 262 amends the process by which the Secretary of State may administratively dissolve a corporation by requiring written notice of the Secretary's determination by certified mail specifically, rather than general written notice. The bill requires the Secretary sign and file a certificate of dissolution and removes the requirement that the Secretary serve a copy on the corporation as required by §31D-5-504.

**EFFECTIVE DATE: 90 Days (June 5, 2024)**

**DATE OF PASSAGE: March 7, 2024**

**ACTION OF GOVERNOR: Approved by Governor 3/22/2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5232**

**RELATING TO: The Business Liability Protection Act**

**SPONSORS: Maynor, Phillips, Smith, Crouse, McGeehan, Horst, Steele, Willis, Gearheart, Hornby, Hite**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE: §61 - 7 - 14**

The bill updated the Business Liability Protection Act by clarifying what action may be taken against a customer, employee, or invitee for lawfully storing a firearm inside a motor vehicle.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 26, 2024**

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for H.B.5561**

**RELATING TO: Relating to permitting the electronic execution of trusts.**

**SPONSORS: Barnhart, Criss, Anderson, Zatezalo, Westfall, Hott**

**ATTORNEY: JM/WRV**

**DATE: March 28, 2024**

**CODE REFERENCE:** §44 D- 1 – 103  
§44 D- 4 – 402  
§44 D- 5 - 503 C  
§44 D- 7 – 701  
§44 D- 7 – 704  
§44 D- 7 – 705  
§44 D- 8 B- 2  
§44 D- 10 -101

The bill makes a creation of a trust more accessible by allowing it to be done in an electronic format.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 26, 2024.**



Gov't/  
Municipalities

# **BILL SUMMARY**

**BILL NUMBER: S.B.149**

**RELATING TO: Relating to municipalities required to be represented on county authority boards**

**SPONSORS: Swope, Boley, Nelson, Oliverio, Phillips, Tarr, Woodrum, Deeds**

**ATTORNEY: JDW**

**DATE: March 28, 2024**

**CODE REFERENCE: §7-12-3**

SB 149 allows county commissions to exercise a greater degree of discretion when appointing members to county development authority boards. The bill does so by removing the requirements that county commissions appoint representatives of certain municipalities. The bills also removes language that requires county commissions to appoint members with backgrounds in business, industry, or labor.

**EFFECTIVE DATE: Passage**

**DATE OF PASSAGE: March 8, 2024**

**ACTION OF GOVERNOR: Approved by Governor – March 27, 2024**

# **BILL SUMMARY**

**BILL NUMBER: S.B.171**

**RELATING TO:** Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations

**SPONSORS:** Hamilton, Smith, Taylor, Oliverio, Deeds, Swope, Rucker, Woodrum, Trump, Jeffries

**ATTORNEY:** Wiseman

**DATE:** March 11, 2024

**CODE REFERENCE:** §7-1-3 and §7-1-3ff

SB 171 amends two sections in the code relating to county commissions. It would prohibit county commissions from adopting any ordinance, rule, license, or other requirement that contravenes any state law or rule governing agricultural operations and it would revoke any previously adopted ordinance, rule, license, or authorization that contravenes state law relating to agricultural operations. The bill refers to §19-19-2 for the definition of an agricultural operation, which includes any facility used to produce food, land used for cultivating soil, raising animals or livestock, and all farming practices. The bill also prohibits county commissions from adopting ordinances that prohibit the purchase or restrict the use of any federal or state registered pesticide, herbicide, or insecticide. It also clarifies that county commissions may not adopt ordinances regulating dwellings or buildings on agricultural operations or lands as defined in §19-19-2 and it requires one of the two at-large members on a county commission enforcement agency to have a background in or knowledge of agricultural operations.

**EFFECTIVE DATE:** 90 Days (May 13, 2024).

**DATE OF PASSAGE:** February 13, 2024

**ACTION OF GOVERNOR:** Approved by Governor (February 23, 2024)

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B 331**

**RELATING TO:** Eliminating cap on maximum amount of money in county's financial stabilization fund.

**SPONSORS:** Clements, Deeds, Grady, Woodrum, and Roberts.

**ATTORNEY:** R.E. Akers

**DATE:** March 25, 2024.

**CODE REFERENCE:** Amend and reenact §7-21-3 and §7-6-5a.

This bill removed the cap on the amount of money that may be held in a county's financial stabilization fund. Previously, such a fund was capped at 50% of the county's most recent general fund budget.

The bill also expressly allows a county commission to invest moneys with the Investment Management Board or the Board of Treasury Investments. The bill included a proviso requiring counties to consider tax reduction measures if the amount of money exceeds 50% of the most receipt general fund budget. Tax reductions are not required, only consideration is required.

**EFFECTIVE DATE:** Passage.

**DATE OF PASSAGE:** March 4, 2024.

**ACTION OF GOVERNOR:** March 27, 2024

Notes:

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.370**

**RELATING TO: Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals**

**SPONSORS: Woodrum**

**ATTORNEY: DSM**

**DATE: March 18, 2024**

**CODE REFERENCE: §6C-2-5 (Amended); §6C-2-8 (Amended)**

The bill amends §6C-2-5 to provide that an appeal of an ALJ's final order in a public employee grievance proceeding shall be to the Intermediate Court of Appeals. Also, the bill provides that enforcement of an ALJ's Order—not the appeal itself, but enforcement of the order—shall be pursued in the circuit court situated in the county in which the grievant is employed. The bill also provides that the timing of the appeal shall be done in accordance with the West Virginia Rules of Appellate Procedure and consistent with West Virginia Code §51-11-4.

Finally, the bill amends §6C-2-8 to provide confidentiality provisions and exceptions under the law apply in appellate proceedings in the same manner as they apply in circuit court.

**EFFECTIVE DATE: March 1, 2024.**

**DATE OF PASSAGE: Completed legislative action March 1, 2024.**

**ACTION OF GOVERNOR: Approved by Governor on March 22, 2024.**

**BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B. 400**

**RELATING TO: Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects**

**SPONSORS: Senators Jeffries, Deeds, Queen, Phillips, Plymale**

**ATTORNEY: BC**

**DATE: March 25, 2024**

**CODE AFFECTED: §24-2-11 (amend)**

This bill amends a section in the Public Service Commission (PSC) statute, §24-2-11, to provide for a waiver of the requirement to obtain a certificate of public convenience and necessity for projects that are funded, in whole or part, by:

(1) the American Rescue Plan Act of 2021 (ARPA) or the Coronavirus State Fiscal Recovery Fund (SFR) and approved by the Infrastructure and Jobs Development Council (IJDC) as technically feasible, or

(2) ARPA or the SFR through Economic Enhancement Grant funding and approved by the IJDC as technically feasible and approved by the Water Development Authority.

The waiver provision expires April 30, 2025.

**EFFECTIVE DATE: Passage**

**DATE OF PASSAGE: February 22, 2024**

**ACTION OF GOVERNOR: Signed by Governor March 4, 2024**

# **BILL SUMMARY**

**BILL NUMBER: S.B.428**

**RELATING TO:** Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals

**SPONSORS:** Woodrum

**ATTORNEY:** Wiseman

**DATE:** March 11, 2024

**CODE REFERENCE:** §19-11B-12

SB 428 is corrective in nature. It ensures that appeals from administrative proceedings under Article 11B must be filed with the ICA, just like other appeals from administrative orders.

**EFFECTIVE DATE:** 90 Days (May 12, 2024)

**DATE OF PASSAGE:** February 12, 2024

**ACTION OF GOVERNOR:** Approved by Governor February 20, 2024

# **BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B.475**

**RELATING TO: Relating to recovery residences**

**SPONSORS: Tarr, Woelfel, Takubo, Deeds, Azinger, Plymale, Jeffries**

**ATTORNEY: WRV**

**DATE: March 28, 2024**

**CODE REFERENCE:**     §16 - 59 - 1  
                              §16 - 59 - 2  
                              §16 - 59 - 3  
                              §16 - 59 - 4  
                              §16 - 62 - 1  
                              §16 - 62 - 2

The bill requires recovery residences to register with OHFLAC and provide data as required by the Department of Human Services rules, prohibits uncertified residences from receiving state benefits and persons released from incarceration, mandates oversight by the Inspector General and clarifies administrative procedures and fee structures, authorizes the Inspector General to refer brokering violations to law enforcement to investigate such allegations, and enhances protections against human trafficking and predatory practices by creating a mandatory registration system for all recovery residences.

**EFFECTIVE DATE: 90 days**

**DATE OF PASSAGE: March 9, 2024**

**ACTION OF GOVERNOR: Approved by Governor March 27, 2024**



# **BILL SUMMARY**

**BILL NUMBER: S.B.530**

**RELATING TO: Removing requirement for counties to draft and adopt zoning ordinances**

**SPONSORS: Rucker and Karnes**

**ATTORNEY: JDW**

**DATE: March 25, 2024**

**CODE REFERENCE: §7-20-6**

Senate Bill 530 amends a single section of code to eliminate the comprehensive zoning ordinance prerequisite to levying impact fees. The other six requirements remain in place.

**EFFECTIVE DATE: 90 Days (June 5, 2024)**

**DATE OF PASSAGE: March 7, 2024**

**ACTION OF GOVERNOR: Approved by Governor – March 22, 2024**

**BILL SUMMARY**

**BILL NUMBER: Com. Sub. for S.B. 542**

**RELATING TO: Amending procedure for filling vacancies in certain county offices having more than three commissioners**

**SPONSORS: Senator Barrett**

**ATTORNEY: BC**

**DATE: March 25, 2024**

**CODE AFFECTED: §3-10-7 (amend)**

Senate Bill 542 amends a single code section to account for vacancies in the position of county clerk and county commissioner or councilors in counties with five commissioners or councilors.

The bill adds as a qualification for commissioner and councilors that the person appointed must reside in an open magisterial district, i.e., one in which no other member of the commission or council resides.

The bill otherwise follows the current procedure for filling vacancies in the county clerk or county commissioner positions, except that for five-member commissions or councils, there is a procedure to resolve issues where there might be two commissioners/council persons with equal tenure: a drawing by lot. The bill also adds that when commissioners/council persons on five-member commissions or boards strike names from the list of candidates according to tenure, they strike according to political party and tenure, with the commissioners/council persons affiliated with the party of the person who vacated the position each striking first. The remaining commissioners/councilors then strike names according to tenure.

**EFFECTIVE DATE: January 1, 2025**

**DATE OF PASSAGE: March 9 2024**

**ACTION OF GOVERNOR: Signed by Governor March 27, 2024**

# BILL SUMMARY

**BILL NUMBER: COM. SUB. FOR S. B. 544**

**RELATING TO:** Local Public Project Bid Requirements

**SPONSORS:** Senators Jeffries, Grady, Hamilton, Nelson, Phillips, Smith, Swope, Takubo, Weld, Woelfel, Plymale, Roberts, Queen and Barrett

**ATTORNEY:** Mark McOwen

**DATE:** April 4, 2024

**CODE:** §8-16-5 (amend)  
§16-13A-7 (amend)  
§16-13D-4 (amend)

The bill amends three sections of code to establish the minimum cost of certain local public project contracts that require advertising for public bids at \$50,000.

1. The bill would increase the minimum cost of *municipal public works project contracts* that require advertising for public bids from \$25,000 to \$50,000 (§8-16-5).

2. The bill would increase the minimum cost of *local public service districts project contracts* that require advertising for public bids from \$25,000 to \$50,000 (§16-13A-7), and add language consistent with current law on bids for municipal public works project contracts: “Each bid shall be publicly opened and an award made to the lowest responsible bidder, with power and authority in the board to reject any and all bids.”

3. The bill would establish the minimum cost of *regional water and wastewater and stormwater project contracts* that require advertising for public bids at \$50,000 (§16-13D-4), add language consistent with current law on bids for municipal public works and public service districts project contracts: “Each bid shall be publicly opened and an award made to the lowest responsible bidder, with power and authority in the board to reject any and all bids,” and also add language consistent with current law on bids for municipal and public service districts project contracts that provides the exemption from those bids requirements for emergency repairs.

**EFFECTIVE DATE:** 90 Days From Passage (May 27, 2024)  
**DATE OF PASSAGE:** February 27, 2024  
**ACTION OF GOVERNOR:** March 7, 2024 - Approved

---

**Notes:** The House adopted amendments striking the provisions of Com. Sub. for SB544 in their entirety and inserting in lieu thereof the provisions of Com. Sub. for HB5441. The Senate concurred in those House amendments and passed the bill.

## BILL SUMMARY

**BILL NUMBER: Com. Sub. for S.B. 548**

**RELATING TO: Clarifying appellate jurisdiction of Intermediate Court of Appeals**

**SPONSORS: Senator Trump**

**ATTORNEY: BC**

**DATE: March 25, 2024**

**CODE AFFECTED: §3-10-7 (amend)**

This proposed legislation addresses the jurisdiction of the West Virginia Intermediate Court of Appeals ("ICA"), which has no original jurisdiction.

Under current law, there is some ambiguity as to whether the ICA has jurisdiction to hear appeals in which injunctive relief, a type of equitable remedy, is sought. The ambiguity arises because injunctive relief is addressed in the code chapter setting forth extraordinary remedies, Chapter 53. The jurisdictional statute, as it now exists, provides that the ICA does not have jurisdiction in cases involving all the extraordinary remedies listed in Chapter 53.

This proposed legislation clarifies that the ICA would have jurisdiction over any final judgment or order in a civil case, including a civil case that involves legal or equitable relief. Cases involving appeals of matters involving the extraordinary remedies set forth in Chapter 53, with the exception of injunctive relief, would not be heard in the ICA and would continue to be heard by our state's Supreme Court.

**EFFECTIVE DATE: Regular**

**DATE OF PASSAGE: March 8 2024**

**ACTION OF GOVERNOR: Signed by Governor March 26, 2024**

# **BILL SUMMARY**

**BILL NUMBER: COM. SUB. FOR H.B. 4812**

**RELATING TO:** **Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities.**

**SPONSORS:** Delegate Foster

**ATTORNEY:** Alice Chakmakian

**DATE:** March 12, 2024

**CODE:** §8-13-6

The bill amends the provisions of the WV Code relating to business and occupation or privilege taxes imposed by municipalities. The bill limits the fees charged by third-party vendors who contract with a municipality to collect B&O taxes on behalf of the municipality to no more than 20% of the amount of taxes collected.

**EFFECTIVE DATE:** **90 Days From Passage (June 7, 2024)**

**DATE OF PASSAGE:** **March 9, 2024**

**ACTION OF GOVERNOR:** **March 26, 2024 - Approved**

---

Notes: