

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 461

By Senators Smith (Mr. President) and Woelfel

[By Request of the Executive]

[Introduced February 13, 2025; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, and §5A-13-6, relating to the creation of the One Stop Shop Permitting Program in West Virginia including providing for the creation of a Permitting Dashboard to operate as a "one-stop-shop" for obtaining and renewing qualifying permits; identifying the offices, departments, divisions, and agencies that shall participate in the One Stop Shop Permitting Program; creating a refund requirement for late processing of a permit; maintaining the option to file applications for permits until January 1, 2027; and empowering the secretary of administration to promulgate rules to implement this program including rules related to deadlines and fees for expedited processing of applications.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 13. ONE-STOP-SHOP PERMITTING PROGRAM.

§5A-13-1. Creation of the One-Stop-Shop Permitting Program.

(a) The Legislature finds and declares that it is in the public interest to create a One-Stop-Shop Permitting Program. This program is designed to enhance public awareness, collaboration, accountability, coordination, transparency, and predictability in the State's permitting, licensing, and authorization processes including for critical infrastructure projects and projects delivering significant economic development to West Virginians.

(b) The secretary of the department of administration shall coordinate and lead the various state departments, divisions, and agencies in the implementation and execution of the One-Stop-Shop Permitting Program.

(c) The secretary of the department of administration shall issue program guidance and provide training on the One-Stop-Shop Permitting Program and Permitting Dashboard authorized by this article.

§5A-13-2. **Permitting** **Dashboard.**

1 On or before July 1, 2026, the secretary shall make available for public use an online
2 dashboard, designated the Permitting Dashboard. The Permitting Dashboard will serve as a "one-
3 stop-shop" for obtaining and renewing all qualifying permits. The Permitting Dashboard shall:

4 (1) Be easily accessible, searchable, and informative;

5 (2) Allow the public to view, research, apply, and renew permits in this State; and

6 (3) Allow individuals and businesses to create private accounts, through which they can
7 view, save, and submit applications; electronically pay all required fees; receive updates on the
8 status of applications; send and receive communications directly to and from the regulatory
9 agencies; and receive electronic copies of approved permits;

10 (4) Allow for coordination between offices, departments, divisions, and agencies of the
11 state to more efficiently process permits, licenses, and business registrations;

12 (5) Be designed to make the process for applying for and receiving business, construction,
13 economic development, infrastructure, or natural resource permits, licenses, and business
14 registrations in West Virginia the simplest, most efficient, and business friendly in the nation; and

15 (6) Provide applicants a "fast-track" option wherein an applicant can pay an additional fee
16 to expedite the processing of a qualifying permit application.

§5A-13-3. **Qualifying** **Permits.**

1 A "qualifying permit" means

2 (1) Any permit, license, or business registration which is a prerequisite for operating as a
3 business or performing any construction, economic development, infrastructure, or natural
4 resource project in this state; and

5 (2) Is issued or renewed by any one of the following:

6 (A) The Department of Agriculture;

7 (B) The Department of Commerce, or any agency or division thereof;

8 (C) The Department of Environmental Protection;

(D) The Department of Revenue, or any agency or division thereof, except the Lottery and Lottery Commission shall be exempt;

(E) The Department of Tourism, or any agency or division thereof; and

(F) The Department of Transportation, or any agency or division thereof, except the Division of Motor Vehicles shall be exempt;

(G) The Secretary of State.

§5A-13-4. Refunds of Late Permits.

(a) Every department, division, and agency included in §5A-13-3(2) of this code shall, within sixty days of the effective date of this article, report to the secretary of administration:

(1) A list of any qualifying permit issued under their authority;

(2) An explanation of each step involved in processing a properly completed qualifying permit;

(3) The average time from receipt to approval of a properly completed qualifying permit;

(4) The number of approved applications received in a fiscal year and the number of rejected applications;

(5) Any statutory deadlines related to the grant or denial of those listed qualifying permits;

(6) Data on processing times and statutory deadlines for comparable permits, licenses, or business registrations in West Virginia neighboring states.

(b) For any qualifying permit that has no statutory deadline for granting or denying, the secretary of administration, in consultation with the relevant office, department, division, and agency, shall within ninety days of the effective date of this article, propose an emergency rule under §29A-3-15 of this code and a legislative rule for consideration by the Legislature during the 2026 regular session to implement such a deadline.

(c) On and after July 1, 2026, any office, department, division, or agency listed in §5-13-3(2) of this code that fails to grant or deny a qualifying permit available and applied for through the One-Stop-Shop Permitting Program within the deadline identified under subdivision (a)(5) of this

section or established under subsection (b) of this section or §5A-13-6(a)(1)(B) of this code shall refund all fees paid by the applicant for that qualifying permit.

(d) The refund provided for under subsection (c) shall be paid by the office, department, division, or agency that did not process the qualifying permit within the deadline and not by the department of administration or any other the office, department, division, or agency.

(e) The refund requirements of subsection (c) of this section shall not apply if:

(1) The application for a qualifying permit is incomplete; and

(2) Within ten days of identifying the application as incomplete, the department, division, or agency listed in § 5A-13-3(2) of this code:

(A) Notifies the applicant of the deficiency through the Permitting Dashboard; and

(B) Provides the applicant thirty days to cure the incomplete application.

§5A-13-5. Options for Paper Forms.

(a) Use of the Permitting Dashboard by a permit-holder or prospective permit-holder is not mandatory for any permit application submitted before January 1, 2027. There shall be no penalty or disadvantage applied to any permit-holder or prospective permit-holder who chooses to bypass the Permitting Dashboard before that date and work directly with the agency to obtain, complete, and return an application in paper form.

(b) On and after January 1, 2027, the Permitting Dashboard shall be the exclusive means of applying for a qualifying permit as defined in §5A-13-3 of this code except where an alternative means is required under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, or the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq.* of this code.

(c) The refund requirement under §5A-13-4(c) and (d) of this code shall only apply an application submitted through the Permitting Dashboard.

§5A-13-6. Legislative Rules.

(a) The secretary of the department of administration is authorized to promulgate legislative rules pursuant to §29A-3-1 *et seq.* of this code to implement the One-Stop-Shop

3 Permitting Program including to:

4 (1) Establish, in consultation with the relevant office, department, division, or agency:

5 (A) Deadlines for the processing of a qualifying permit application;

6 (B) Expedited deadlines for the processing of a "fast-track" qualifying permit application;

7 and

8 (2) Establish a fee to be paid by an applicant to "fast-track" a qualifying permit application.

9 (b) Any fee implemented pursuant to subdivision (a)(2) of this section shall be:

10 (A) Divided equally between the Department of Administration and the relevant office,
11 department, division, or agency that expedited the processing of the qualifying permit;

12 (B) The relevant office's, department's, division's, or agency's share of the fee shall be no
13 greater than necessary to offset its cost to expedite the permit application; and

14 (C) Subject to the refund requirement under §5A-13-4(c)-(e) of this code.

NOTE: The purpose of this bill is to create the One-Stop-Shop Permit Program, to create a Permitting Dashboard to operate as a "one-stop-shop" for obtaining and renewing qualifying permits, and to create a refund requirement for late action by the regulatory agency in responding to permit requests.

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