

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5364

By Delegate Hanshaw (Mr. Speaker)

(By Request of the Executive)

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend and reenact §5A-11-1, §5A-11-3, §5A-11-7, §5B-2-17, §5B-2-20, §5B-2I-7, §9-
2 4B-7, §9-4C-11, §11-21-12i, §16-5P-3, §16-29D-7, §16-36-1, §16-36-2, §16-40-7, §16-40-
3 8, §17-4A-1, §17-4A-2, §17-4A-3, §19-21A-3, §19-21A-4, §19-21A-7, §19-21A-8, §19-
4 21A-11, §19-21A-12, §19-21A-13, §29-24-2, §29-24-5, §29-24-7, §29-24-8, and §29-24-9
5 of the Code of West Virginia, 1931, as amended; to amend the code by adding a new
6 section, designated §44-16-7; and to repeal §5A-11-2, §5A-11-4, §5A-11-5, §5A-11-6,
7 §5B-1B-1, §5B-1B-2, §5B-1B-3, §5B-1B-4, §9-4B-1, §9-4B-2, §9-4B-3, §9-4B-4, §9-4C-1,
8 §9-4C-2, §9-4C-3, §9-4C-4, §9-4C-5, §9-4C-6, §9-4C-7, §9-4C-8, §16-5M-1, §16-5M-2,
9 §16-5M-3, §16-5P-7, §16-5P-8, §16-5U-1, §16-5U-2, §16-5U-3, §16-5BB-1, §16-22A-4,
10 §16-29B-31, §16-33-2, §16-33-5, §16-36-3, §16-40-6, §16-61-1, §16-61-2, §16-61-3, §17-
11 2E-10, §18-10Q-1, §18-10Q-2, §18-10Q-3, §18-10Q-4, §18-10Q-5, §22-11A-1, §22-11A-
12 4, §22-11A-6, §22-11A-7, §24-6-15, §29-24-3, §29-24-4, and §49-2-913, relating to
13 reforms to numerous unnecessary, expired, overly large, or outdated boards, districts, and
14 commissions; shifting several tasks, duties, responsibilities, or funds of these outdated or
15 unnecessary boards and commissions to other agencies or entities; eliminating the Public
16 Land Corporation and vesting its property to the Division of Natural Resources; eliminating
17 the Public Land Corporation Board of Directors and shifting its powers and duties to the
18 Director of the Division of Natural Resources; changing the composition and selection of
19 the West Virginia Motorsport Committee; repealing the Southern West Virginia Lake
20 Development Study Commission Act; changing the composition of the Tourism Advisory
21 Council; repealing the Physical/Medical Practitioner Provider Medicaid Enhancement
22 Board; repealing the General Medicaid Enhancement Board; repealing the Dentist
23 Medicaid Enhancement Board; repealing the Ambulance Service Provider Medicaid
24 Enhancement Board; repealing the Facility Providers' Medicaid Enhancement Board;
25 removing language referencing the repealed West Virginia Appraisal Control and Review
26 Commission; repealing the Interagency Council on Osteoporosis; repealing the West

27 Virginia Council on Aging; repealing the Interagency Council on Arthritis; repealing the
28 Workgroup to Study Adverse Childhood Experiences; repealing the Hearing Impairment
29 Testing Advisory Committee; repealing the Working Group on Hospice Services in West
30 Virginia; eliminating the Advisory Committee on State Health Care Rules but keeping the
31 authority of the Secretary of the Department of Human Services to promulgate legislative
32 rules; repealing the Breast and Cervical Cancer Detection and Education Program
33 Coalition; repealing the Advisory Committee on Needlestick Injury Prevention Rules but
34 keeping the authority of the Commissioner of the Bureau of Public Health to promulgate
35 legislative rules; repealing the Advisory Council on Statewide Birth Defects Information
36 System; repealing the State Advisory Coalition on Palliative Care Work Group; repealing
37 the Taskforce on Infrastructure Deployment Clearinghouse; eliminating the Complete
38 Streets Advisory Board but keeping the Complete Streets Program under the authority of
39 the Division of Highways; repealing the Employment First Taskforce; repealing the Carbon
40 Dioxide Sequestration Pilot Program and Working Group; repealing the Commission to
41 Implement NG911 in West Virginia; eliminating the Technology-Related Assistance
42 Revolving Loan Fund for Individuals with Disabilities Board and shifting its powers and
43 duties to the Division of Rehabilitation Services; repealing the Juvenile Justice Reform
44 Oversight Commission; modifying or eliminating various reports of affected boards and
45 commission; authorizing State Conservation Committee to construct, operate, improve,
46 and maintain flood control dams and similar structures and to contract with other entities to
47 do so; removing authority of conservation districts to employ dam monitors; removing
48 authority of conservation districts to construct, operate, improve, and maintain flood control
49 dams and similar structures and to contract with other entities to do so; mandating
50 conservation districts to transfer interests, existing agreements, and contracts, and any
51 associated property, to the West Virginia Conservation Agency by certain date; clarifying
52 that any alteration, improvement, or agreement related to a dam owned or sponsored by

53 the West Virginia Conservation Agency or state conservation committee is subject solely to
54 the authority of the Department of Environmental Protection; requiring conservation
55 districts to transfer all funds and accounts associated with flood control dams and similar
56 structures to the West Virginia Conservation Agency by certain date; revising definitions;
57 and making technical corrections.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 11. PUBLIC LAND CORPORATION.

§5A-11-1. Public Land Corporation.

1 (a) The Public Land Corporation, heretofore created and established as a unit of the
2 Division of Natural Resources, and previously continued and established as a unit of the Real
3 Estate Division of the Department of Administration, is hereby eliminated. The property belonging
4 to the Public Land Corporation upon the effective date of its elimination shall be transferred to the
5 Division of Natural Resources of the Department of Commerce.

6 (b) The Division of Natural Resources of the Department of Commerce shall be forthwith
7 vested with:

8 (1) The title of the State of West Virginia in public lands, the title to which now is or may
9 hereafter become vested in the State of West Virginia by reason of any law governing the title of
10 lands of the state: *Provided*, That lands for which title is specifically vested by law in other state
11 agencies, institutions, and departments shall continue to be vested in such state agencies,
12 institutions, and departments;

13 (2) The State of West Virginia's interest in the rivers, streams, creeks, or beds thereof; or

14 (3) All other public lands managed or acquired by the Division of Natural Resources
15 pursuant to §20-1-1 *et seq.* of this code.

16 (c) All property vested with the Division of Natural Resources shall be for the use and
17 enjoyment of the citizens of the state. When appropriate, the Division of Natural Resources should
18 collaborate with the Secretary of Tourism to determine the best use for the public property.

19 (d) The powers and duties of the Director of the Division of Natural Resources, as set forth
20 in §20-1-7 of this code, shall apply to all public property vested with the Division of Natural
21 Resources, without distinction.

§5A-11-2. Corporation boards of directors, members, expenses, appointment, terms, qualifications; director as board chairman; meetings, quorum; executive secretary, secretary to board; professional and support staff; execution of legal documents, permits and licenses.

1 [Repealed.]

§5A-11-3. Public Land Corporation Fund.

1 (a) There is hereby continued in the State Treasury a special Public Land Corporation
2 Fund into which shall be paid all proceeds from public land sales, exchanges, rents, royalties, and
3 other payments from mineral leases. The Division of Natural Resources may acquire public lands
4 from use of the payments made to the fund, along with any interest accruing to the fund. The
5 Public Land Corporation Fund may be used for the benefit, administration, maintenance, or use of
6 any property owned or managed by the Public Land Corporation as of January 1, 2026. The
7 Public Land Corporation Fund shall be administered by the Director of the Division of Natural
8 Resources.

9 (1) All royalties and payments derived from rivers, streams, or public lands acquired or
10 managed by the Division of Natural Resources pursuant to §20-1-7 and §20-5-2 of this code shall
11 be retained by the Division of Natural Resources.

12 (2) All proceeds, rents, royalties, and other payments from land sales, exchanges, and
13 mineral rights leasing for public lands owned, managed, or controlled by the Adjutant General's

14 Department will be retained in a fund managed by the Adjutant General in accordance with §15-6-
15 1 *et seq.* of the code.

16 (3) All free gas, sand, gravel, or other natural resources derived from a lease or contract
17 made pursuant to this article will be used to benefit the state agencies, institutions, or departments
18 located on the affected public lands, or for which the corporation was acting or to benefit any state
19 agencies, institutions, or departments having adjacent property.

20 (4) Notwithstanding any provision of this section to the contrary, royalties received from the
21 leasing of state-owned gas, oil, and other mineral rights beneath the Ohio River and its tributaries
22 are to be deposited into the West Virginia Parks and Recreation Endowment Fund and expended
23 in accordance with the provisions of §20-5A-1 of this code.

24 (b) The Division of Natural Resources shall report annually, just prior to the beginning of
25 the regular session of the Legislature, to the standing committees on Finance of both houses of
26 the Legislature on the financial condition of the special fund. The Division of Natural Resources
27 shall report annually to the Legislature on its public land holdings, all its leases, its financial
28 condition, and its operations and shall make such recommendations to the Legislature concerning
29 the acquisition, leasing, development, disposition, and use of public lands. The annual reports
30 required by this subdivision do not have to be submitted as stand-alone reports and may be
31 incorporated into any other report obligated by the Division of Natural Resources, which is due
32 contemporaneously.

**§5A-11-4. Public Land Corporation to conduct sales of public lands by competitive bidding,
modified competitive bidding, or direct sale.**

1 [Repealed.]

**§5A-11-5. Public Land Corporation to hold public hearing before sale, lease, exchange, or
transfer of land or minerals.**

1 [Repealed.]

§5A-11-6. Competitive bidding and notice requirements before the development or extraction of minerals on certain lands; related standards.

1 [Repealed.]

§5A-11-7. Effectuation of transfer of Public Land Corporation and transition.

1 To effectuate the transfer of the public property formerly maintained by the Public Land
2 Corporation to the Division of Natural Resources upon the effective date of this section in the year
3 2026:

4 (1) All orders, determinations, rules, permits, grants, contracts, certificates, licenses,
5 waivers, bonds, authorizations, and privileges which have been issued, made, granted, or allowed
6 to become effective by the Governor, by any state department or agency, or official thereof, or by a
7 court of competent jurisdiction, in the performance of functions which have been transferred to the
8 Division of Natural Resources and were in effect on the date the transfer occurred continue in
9 effect, for the benefit of the division, according to their terms until modified, terminated,
10 superseded, set aside, or revoked in accordance with the law by the Governor, the Director of the
11 Division of Natural Resources, or other authorized official, a court of competent jurisdiction, or by
12 operation of law.

13 (2) Any proceedings, including, but not limited to, notices of proposed rulemaking, in which
14 the Public Land Corporation was an initiating or responding party are not affected by the
15 elimination of the Public Land Corporation and the transfer of the public property to the Division of
16 Natural Resources. Orders issued in any proceedings continue in effect until modified, terminated,
17 superseded, or revoked by the Governor, the Director of the Division of Natural Resources, by a
18 court of competent jurisdiction, or by operation of law. Nothing in this subdivision prohibits the
19 discontinuance or modification of any proceeding under the same terms and conditions and to the
20 same extent that a proceeding could have been discontinued or modified if the Public Land
21 Corporation had not been eliminated. Transfer of the public property formerly vested with the
22 Public Land Corporation does not affect suits commenced prior to the effective date of the transfer

23 and all such suits and proceedings shall be had, appeals taken, and judgments rendered in the
24 same manner and with like effect as if the transfer had not occurred, except that the Director of the
25 Division of Natural Resources or other officer may, in an appropriate case, be substituted or added
26 as a party.

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 1B. SOUTHERN WEST VIRGINIA LAKE DEVELOPMENT STUDY COMMISSION.

§5B-1B-1. Southern West Virginia Lake Development Study Commission Act.

1 [Repealed.]

§5B-1B-2. Legislative findings.

1 [Repealed.]

§5B-1B-3. Commission created; undertake study; report to the Legislature.

1 [Repealed.]

§5B-1B-4. Report to the Legislature.

1 [Repealed.]

ARTICLE 2. DIVISION OF ECONOMIC DEVELOPMENT.

§5B-2-17. West Virginia Motorsports Committee.

1 (a) The West Virginia Motorsport Committee is hereby continued.

2 (b) The committee consists of 18 members, including its chairperson. The chairperson
3 shall be selected by the committee from among its members. The committee members shall
4 represent:

5 (1) Asphalt oval racing;

6 (2) Dirt drag racing;

7 (3) Dirt oval racing;

8 (4) Drag racing;

9 (5) Drift racing;

- 10 (6) Hill climb racing;
- 11 (7) Karting racing;
- 12 (8) Motor cross racing;
- 13 (9) Motorcycle road course racing;
- 14 (10) Mud racing;
- 15 (11) Off-road racing;
- 16 (12) Rallying racing;
- 17 (13) Rallycross racing;
- 18 (14) Road course racing;
- 19 (15) Time Trials racing;
- 20 (16) Truck/Tractor pulls;
- 21 (17) Remote control racing; and
- 22 (18) Boat racing.

23 (c) The Secretary of the Department of Tourism and the Executive Director of the Division of
24 Economic Development shall also serve on the committee, *ex officio*.

25 (d) The committee shall:

- 26 (1) Work with the existing facilities within the state to enhance existing motorsport racing;
- 27 (2) Develop a strategy that creates further opportunities, such as encouraging racing
28 training schools, conducting special events, and encouraging special events and the construction
29 of larger in-state racing facilities; and

30 (3) Seek opportunities to promote economic growth and manufacturing jobs related to
31 motorsports.

32 (e) The committee shall hold regular meetings, at least quarterly, and conduct public
33 hearings as it considers necessary.

§5B-2-20. Promotion of West Virginia Uncrewed Aircraft Systems.

1 (a) The Director of the Division of Economic Development shall:

2 (1) Identify trends and technologies driving innovation in uncrewed aircraft systems;

3 (2) Develop comprehensive strategies, including, but not limited to, the promotion of
4 research and development, education, economic growth, and jobs in the uncrewed aircraft system
5 industry in West Virginia; public acceptance of the uncrewed aircraft system industry; business
6 planning; air vehicle technology and manufacturing; and airspace management and national
7 airspace system integration; and

8 (3) Develop recommended legislation addressing specific issues and in furtherance of the
9 comprehensive strategies identified in subdivision (2) of this section.

10 (b) In its annual report required by §5-1-20(a) of this code, the Secretary of Commerce
11 shall include a progress report on the promotion of uncrewed aircraft systems, including
12 accomplishments and recommendations to the Legislature.

ARTICLE 2I. DEPARTMENT OF TOURISM.

§5B-2I-7. Tourism Advisory Council; members, appointment, and expenses.

1 (a) There is continued within the Department of Tourism an independent Tourism Advisory
2 Council.

3 (b) The Tourism Advisory Council consists of the following 11 members:

4 (1) The Director of the Department of Economic Development or his or her designee, *ex*
5 *officio*;

6 (2) The Secretary of Transportation or his or her designee, *ex officio*; and

7 (3) Nine members appointed by the Governor, with the advice and consent of the Senate,
8 representing participants in the state's tourism industry.

9 (c) Each member appointed by the Governor serves a staggered term of four years. Any
10 member whose term has expired serves until his or her successor has been appointed. Any
11 person appointed to fill a vacancy serves only for the unexpired term. Any member is eligible for
12 reappointment. In case of a vacancy in the office of a member, the vacancy shall be filled by the
13 Governor in the same manner as the original appointment.

14 (d) The chair of the Tourism Advisory Council shall be appointed by the Governor from
15 members then serving on the commission, and serves at the will and pleasure of the Governor.

16 (e) The Tourism Advisory Council shall:

17 (1) Advise the secretary of the Department of Tourism in the development and
18 implementation of the state's comprehensive tourism advertising, marketing, promotion, and
19 development strategy; and

20 (2) Take all actions, in consultation with the secretary, necessary to settle, finalize, and
21 conclude all outstanding advertising grants or other financial obligations of the Tourism Advisory
22 Council respecting funds in the Tourism Promotion Fund previously approved, expended, or
23 obligated by the Tourism Advisory Council as of the effective date of this article.

24 (f) Members of the Tourism Advisory Council are not entitled to compensation for services
25 performed as members. Each member is entitled to reimbursement for reasonable expenses
26 incurred in the discharge of their official duties. All expenses incurred by members from the
27 private sector shall be paid in a manner consistent with guidelines of the Travel Management
28 Office of the Department of Administration and are payable solely from the funds of the
29 Department of Tourism or from funds appropriated for that purpose by the Legislature. Liability or
30 obligation is not incurred by the Department of Tourism beyond the extent to which moneys are
31 available from funds of the authority or from the appropriations.

32 (g) Members shall meet at least quarterly as designated by the chair.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 4B. PHYSICIAN/MEDICAL PRACTITIONER PROVIDER MEDICAID ACT.

§9-4B-1.

Definitions.

1 [Repealed.]

§9-4B-2. Physician/medical practitioner provider Medicaid enhancement board; continuation and composition.

1 [Repealed.]

§9-4B-3. Expenses for citizen members.

1 [Repealed.]

§9-4B-4. Powers and duties.

1 [Repealed.]

§9-4B-7. Effective date.

1 The physician provider fee schedule, as adopted by the single state agency, becomes
2 effective on January 1, 1992.

ARTICLE 4C. HEALTH CARE PROVIDER MEDICAID ENHANCEMENT ACT.

§9-4C-1. Definitions.

1 [Repealed.]

§9-4C-2. General Medicaid enhancement board.

1 [Repealed.]

§9-4C-3. Dentist provider Medicaid enhancement board.

1 [Repealed.]

§9-4C-4. Ambulance service provider Medicaid enhancement board.

1 [Repealed.]

§9-4C-5. Facility providers' Medicaid enhancement board.

1 [Repealed.]

§9-4C-6. Expenses for citizen members.

1 [Repealed.]

§9-4C-7. Powers and duties.

1 [Repealed.]

§9-4C-8. Duties of Secretary of Department of Human Services.

1 [Repealed.]

§9-4C-11. Effective date.

1 The provider fee schedules as adopted by the single state agency become effective on
2 January 1, 1992: *Provided*, That those fee schedules based upon fees that require prior approval
3 of the health care financing administration are effective on the effective date approved by the
4 health care financing administration: *Provided, however*, That for those fees subject to an
5 established Medicare upper limit, the effective date is the first day of the month immediately
6 succeeding the date the fees can be raised sufficiently to comply with section ten of this article.

CHAPTER 11. TAXATION.

ARTICLE 21. PERSONAL INCOME TAX.

**§11-21-12i. Decreasing modification reducing federal adjusted gross income for qualifying
contribution to a qualified trust maintained for the benefit of a child with autism;
effective date; sunset date.**

1 (a) In addition to amounts authorized to be subtracted from federal adjusted gross income
2 pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is
3 hereby authorized in the amount of any qualifying contribution to a qualified trust maintained for
4 the benefit of a child with autism by the parent or guardian of a child with autism, up to a maximum
5 of \$1,000 per year for individual filers and persons who are married but filing separately, and
6 \$2,000 per year for persons who are married and filing jointly, but only to the extent the amount is
7 not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the
8 taxable year in which the payment is made. This modification is available regardless of the type of
9 return form filed. The taxpayer may elect to carry forward the modification over a period not to
10 exceed four tax years, beginning in the tax year in which the payment was made: *Provided*, That
11 the amount of the decreasing modification, in combination with all other decreasing modifications

12 authorized pursuant to this article, shall in no event reduce taxable income below zero. Any
13 unused decreasing modification carryforward amount remaining after the four-year carryforward
14 period is forfeited. The accrued deposits and earnings on the qualified trust account for a child with
15 autism and the subsequent withdrawal of funds from that trust account, made in accordance with
16 the provisions of §44-16-1 *et seq.* of this code, shall not be treated as taxable income to either the
17 trust or the beneficiary. The provisions of this section are effective for taxable years beginning on
18 and after January 1, 2011.

19 (b) The following definitions apply to this section:

20 (1) "Autism" means "autism" as that term is defined in §44-16-1 *et seq.* of this code.

21 (2) "Child with autism" means "child with autism" as that term is defined in §44-16-1 *et seq.*
22 of this code.

23 (3) "Guardian" means "guardian" as that term is defined in §44-16-1 *et seq.* of this code.

24 (4) "Parent" means a "parent" as that term is defined in §44-16-1 *et seq.* of this code.

25 (5) "Qualified trust for a child with autism" means "qualified trust for a child with autism" as
26 that term is defined in §44-16-1 *et seq.* of this code.

27 (c) If it appears upon audit or otherwise that any person or entity has taken the decreasing
28 modification allowed under this section and was not entitled to take the decreasing modification, or
29 has withdrawn funds from the qualified trust for a child with autism in a way not consistent with the
30 requirements of §44-16-1 *et seq.* of this code, then an assessment shall be made and the income
31 tax liability of the taxpayer shall be recomputed disallowing the decreasing modification so taken.
32 Such assessment shall not be barred by any statute of limitations otherwise applicable to the tax
33 imposed pursuant to this article. Amended returns shall be filed for any tax year for which the
34 decreasing modification was improperly taken. Any additional taxes due under this chapter shall
35 be remitted with the amended return or returns filed with the Tax Commissioner, along with
36 interest, as provided in §11-10-17 and such other penalties and additions to tax as may be
37 applicable pursuant to the provisions of §11-10-1 *et seq.* of this code.

38 (d) Married parents who qualify for the modification provided under this section and who
39 file separate state tax returns shall each receive the modification provided in this section in an
40 amount equal to the amount of contributions made by the parents into the trusts, not to exceed
41 \$1,000 each.

42 (e) Joint guardians who qualify for the modification provided under this section and who file
43 separate state tax returns shall each receive the modification provided in this section, in an
44 amount equal to the amount of contributions made by the guardians into the trust, not to exceed
45 \$1,000 each.

46 (f) In the event the parents or guardians of a child with autism, claiming the modification
47 provided under this section, become divorced or legally separated, each party shall be allowed to
48 claim the amount of unused carryforward modification that remains available under this section
49 according to the terms of an agreed property settlement approved by the divorce court which
50 specifically addresses the unused carryforward modification. In the event that no property
51 settlement specifically addressing the unused carryforward modification exists relating to the
52 divorce or legal separation, then any unused carryforward modification remaining at the time of the
53 divorce or legal separation is granted shall be evenly divided between the parties.

54 (g) The Tax Commissioner may propose rules necessary to carry out the provisions of this
55 section and to provide guidelines and requirements to ensure uniform administrative practices
56 statewide to effect the intent of this section, all in accordance with the provisions of §29A-3-1 *et*
57 *seq.* of this code.

58 (h) The provisions of this section shall sunset, expire, and be of no force and effect for all
59 tax periods beginning on and after January 1, 2027: *Provided*, That qualifying contributions to
60 qualified trusts made on or prior to December 31, 2026, by fulfillment of the requirements of §44-
61 16-2 of this code shall qualify for the decreasing modification and carryforward provisions
62 established by this article.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5M. OSTEOPOROSIS PREVENTION EDUCATION ACT.

§16-5M-1. Short title.

1 [Repealed.]

§16-5M-2. Responsibilities of bureau of public health.

1 [Repealed.]

§16-5M-3. Interagency council on osteoporosis.

1 [Repealed.]

ARTICLE 5P. SENIOR SERVICES.

§16-5P-3. Definitions.

1 (a) "Bureau" means the Bureau of Senior Services.

2 (b) "Care management" means the planning, arrangement for and coordination of
3 appropriate community-based, in-home services and alternative living arrangements for the frail
4 elderly, disabled, or terminally ill.

5 (c) "Care services" means housekeeping, personal care, chore, escort/transportation,
6 meals, in-home nursing, day care and/or respite services.

7 (d) "Commissioner" means the Commissioner of the Bureau of Senior Services.

8 (e) "Community care" means a system of community-based, in-home services, and
9 alternative living arrangements which provide a full range of preventive, maintenance, and
10 restorative services for the frail elderly, disabled, or terminally ill.

11 (f) "Comprehensive assessment" means the assessment of needs, counseling in the
12 development of a case plan, arrangements for services, and on-going monitoring of the frail
13 elderly, disabled, or terminally ill.

14 (g) "Continuum of care" means a system of services which has a primary emphasis on in-
15 home care and community service, and which includes services such as nursing, medical,

16 transportation, and other health and social services available to an individual in an appropriate
17 setting over an extended period of time.

18 (h) "Disabled" for the purposes of this act means a person who has temporary or
19 permanent impairments which require services within the continuum of care.

20 (i) "Frail elderly" for the purposes of this act means any person 60 years of age or older,
21 with limitations which restrict the person's ability to perform the normal activities of daily living.

22 (j) "Senior", "Elderly" or "Aging" means any person 60 years of age or older as defined by
23 the term "older individual" in the Older American's Act of 1965, as amended.

24 (k) "Sliding fee scale" means a fee for services provided based on an individual client's
25 ability to pay.

**§16-5P-7. Creation and composition of the West Virginia council on aging; terms of citizen
representative; vacancies; officers; meetings.**

1 [Repealed.]

§16-5P-8. Expenses of citizen representatives.

1 [Repealed.]

ARTICLE 5U. ARTHRITIS PREVENTION EDUCATION ACT.

§16-5U-1. Short title.

1 [Repealed.]

§16-5U-2. Responsibilities of Bureau for Public Health.

1 [Repealed.]

§16-5U-3. Interagency council on arthritis.

1 [Repealed.]

ARTICLE 5BB. SCREENING PROTOCOLS FOR ADVERSE CHILDHOOD EXPERIENCES.

§16-5BB-1. Development of Screening Protocols for Adverse Childhood Experiences.

1 [Repealed.]

ARTICLE 22A. TESTING OF NEWBORN INFANTS FOR HEARING IMPAIRMENTS.

§16-22A-4. Hearing impairment testing advisory committee established.

1 [Repealed.]

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-31. Hospice need standard review; membership; report to the Legislative Oversight Committee on Health and Human Resources.

1 [Repealed.]

ARTICLE 29D. STATE HEALTH CARE.

§16-29D-7. Rules.

1 The Secretary of the Department of Human Services shall promulgate rules to carry out the
2 provisions of this article. The policies and procedures of the rate schedule process setting forth the
3 methodology for determination of rates, payments, and schedules are subject to the legislative
4 rule-making procedures of §29A-1-1 *et seq.* of this code. The Secretary of the Department of
5 Human Services may utilize emergency rules. The actual rates, payments, and schedules
6 themselves shall not be subject to §29A-1-1 *et seq.* of this code, and may be instituted by the
7 Secretary of the Department of Health as warranted.

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

§16-33-2. Definitions.

1 [Repealed.]

§16-33-5. Breast and cervical cancer detection and education program coalition.

1 [Repealed.]

ARTICLE 36. NEEDLESTICK INJURY PREVENTION.

§16-36-1. Definitions.

1 As used in this article:

2 (a) "Commissioner" means the Commissioner of the Bureau of Public Health;

3 (b) "Engineering controls" means sharps prevention technology including, but not limited
4 to, systems not using needles and needles with engineered sharps injury protection;

5 (c) "Facility" means every hospital licensed under the provisions of §16-5b-1 *et seq.* of this
6 code; every nursing home licensed under the provisions of §16-5c-1 *et seq.* of this code; every
7 local health department, every home health agency certified by the office of health facility licensure
8 and certification, all hospitals and nursing homes operated by the state or any agency of the state,
9 and all hospitals, nursing homes, local health departments, and home health agencies which are
10 staffed, in whole or in part, by public employees;

11 (d) "Health care worker" means any person working in a facility;

12 (e) "Needleless system" means a device that does not utilize needles for the withdrawal of
13 body fluids after initial venous or arterial access is established, the administration of medication or
14 fluids, or any other procedure involving the potential for an exposure incident;

15 (f) "Needlestick injury" means the parenteral introduction into the body of a health care
16 worker, during the performance of his or her duties, of blood or other potentially infectious material
17 by a hollow-bore needle or sharp instrument, including, but not limited to, needles, lancets,
18 scalpels, and contaminated broken glass; and

19 (g) "Sharps" means hollow-bore needles or sharp instruments, including, but not limited to,
20 needles, lancets, and scalpels.

§16-36-2. Needlestick injury prevention rules.

1 The commissioner is authorized to promulgate legislative rules, pursuant to §29A-1-1 *et*
2 *seq.* of this code. The rules should include, but not be limited to, the following provisions:

3 (1) A requirement that facilities utilize needleless systems or other engineering controls
4 designed to prevent needlestick or sharps injuries, except in cases where the facility can
5 demonstrate circumstances in which the technology does not promote employee or patient safety
6 or interferes with a medical procedure. Those circumstances shall be specified by the facility and
7 shall include, but not be limited to, circumstances where the technology is medically
8 contraindicated or not more effective than alternative measures used by the facility to prevent
9 exposure incidents: *Provided*, That no specific device may be mandated;

10 (2) A requirement that information concerning exposure incidents be recorded in a sharps
11 injury log, to be kept within the facility and reported annually to the commissioner. Information
12 recorded in the log shall contain, at a minimum:

13 (A) The date and time of the exposure incident;

14 (B) The type and brand of sharp involved in the incident; and

15 (C) A description of the exposure incident which shall at a minimum include:

16 (i) The job classification of the exposed worker;

17 (ii) The department or work area where the exposure incident occurred;

18 (iii) The procedure that the exposed worker was performing at the time of the incident;

19 (iv) How the incident occurred;

20 (v) The body part involved in the exposure incident;

21 (vi) If the sharp had engineered sharps injury protection, whether the protective
22 mechanism was activated and whether the injury occurred before the protective mechanism was
23 activated, during activation of the mechanism or after activation of the mechanism, if applicable;

24 and

25 (vii) Any suggestions by the injured employee as to whether or how protective mechanisms
26 or work practice control could be utilized to prevent such injuries;

27 (3) A provision for maintaining a list of existing needleless systems and needles and
28 sharps with engineered injury protections. The commissioner shall make the list available to assist
29 employers in complying with the requirements of the standards adopted in accordance with this
30 article; and

31 (4) Any additional provisions consistent with the purposes of this article, including, but not
32 limited to, training and educational requirements, measures to increase vaccinations, strategic
33 placement of sharps containers as close to the work area as is practical, and increased use of
34 protective equipment.

§16-36-3. Needlestick injury prevention advisory committee.

1 [Repealed.]

ARTICLE 40. STATEWIDE BIRTH DEFECTS INFORMATION SYSTEM.

§16-40-6. Advisory council.

1 [Repealed.]

§16-40-7. Rules.

1 Not later than July 1, 2003, the commissioner shall propose rules for legislative approval in
2 accordance with the provisions of §29A-3-1 *et seq.* of this code to do all of the following:

3 (1) Implement the birth defects information system;

4 (2) Specify the types of congenital anomalies and abnormal conditions of newborns to be
5 reported to the system under section two of this article;

6 (3) Establish reporting requirements for information concerning diagnosed congenital
7 anomalies and abnormal conditions of newborns;

8 (4) Establish standards that are required to be met by persons or government entities that
9 seek access to the system; and

10 (5) Establish a form for use by parents or legal guardians who seek to have information
11 regarding their children removed from the system and a method of distributing the form to local
12 boards of health and to physicians. The method of distribution must include making the form
13 available on the Internet.

§16-40-8. Reports by commissioner.

1 The commissioner shall include an update on the birth defects information system in the
2 annual report the commissioner submits pursuant to §5-1-20(a) of this code.

ARTICLE 61. PALLIATIVE CARE.

§16-61-1. Purpose and findings.

1 [Repealed.]

§16-61-2.

Definitions.

1 [Repealed.]

§16-61-3. Development of educational materials and database.

1 [Repealed.]

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2E. DIG ONCE POLICY.

§17-2E-10. Taskforce on infrastructure deployment clearinghouse; reporting; sunset date.

1 [Repealed.]

ARTICLE 4A. COMPLETE STREETS ACT.

§17-4A-1. Complete Streets.

1 (a) Vehicular, public transportation, bicycle, and pedestrian modes are integral to the
2 transportation system of this state. The Division of Highways may view all transportation
3 improvements as opportunities to improve safety, access, and mobility for all travelers.

4 (b) All transportation projects receiving federal or state funds should strive to improve
5 safety, access, and mobility for users of all ages and abilities, defined to include pedestrians,
6 bicyclists, public transportation vehicles and their passengers, motorists, movers of commercial
7 goods, persons with disabilities, older adults, and children.

8 (c) Accommodation of all users should be considered in the planning, design, construction,
9 reconstruction, rehabilitation, maintenance, and operations of any state, county, or local
10 transportation facilities receiving funds from the Division of Highways. The Division of Highways is
11 encouraged to create a safe, comprehensive, integrated, and connected network to accommodate
12 all users in a manner that is suitable to the rural, suburban, or urban context.

13 (d) The Division of Highways is encouraged to use the latest and best design standards as
14 they apply to bicycle, pedestrian, transit, and highway facilities, which may include, but are not
15 limited to, the latest editions of:

16 (1) A Policy on Geometric Design of Highways and Streets, from the American Association
17 of State Highway and Transportation Officials;

18 (2) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach: An ITE
19 Recommended Practice, from the Institute of Transportation Engineers;

20 (3) Guide for the Development of Bicycle Facilities, from the American Association of State
21 Highway and Transportation Officials;

22 (4) Guide for the Planning, Design, and Operation of Pedestrian Facilities, from the
23 American Association of State Highway and Transportation Officials;

24 (5) Public Rights-of-Way Accessibility Guidelines, from the U. S. Access Board; and

25 (6) Other relevant federal, state or local guidance as appropriate.

26 (e) The Division of Highways may provide assistance to and coordinate with regional and
27 local agencies in developing and implementing complementary complete streets policies. In the
28 development of projects within municipal boundaries, the Division of Highways and municipality
29 may share expertise in multimodal transportation planning.

30 (f) The Division of Highways is encouraged to modify its procedures, documents, training
31 systems and performance measures in a timely manner to ensure the needs of all users of the
32 transportation system are included in all phases of the projects. The Division of Highways is
33 encouraged to create an implementation plan, including a schedule, and a regional and local
34 government and public outreach plan.

§17-4A-2. Exceptions.

1 (a) Accommodation of all users of a transportation facility need not be considered in the
2 planning, designing, construction, reconstruction, rehabilitation, maintenance, or operations of
3 any state, county, or local transportation facilities receiving funds from the Division of Highways if
4 the commissioner determines that:

5 (1) Use of a transportation facility by pedestrians, bicyclists, or other users is prohibited by
6 law;

7 (2) The cost of new accommodation would be disproportionate to the need or probable
8 use;

9 (3) There is a demonstrated absence of future need as determined by factors such as
10 current and future land use, current and projected user volumes, population density, and crash
11 data;

12 (4) The time-sensitive or expedited nature of the project would be adversely affected; or

13 (5) The project has already moved beyond the initial planning stage at the time this article
14 goes into effect.

15 (b) The commissioner is encouraged to consult local and regional plans and leaders, as
16 appropriate, in assessing exceptions.

§17-4A-3. Complete Streets Collaboration.

1 (a) The Division of Highways shall:

2 (1) Provide and facilitate communication, education, and advice with counties,
3 municipalities, interest groups, and the public; and

4 (2) Make recommendations to the counties, and municipalities for restructuring
5 procedures, updating design guidance, providing educational opportunities to employees, and
6 creating new measures to track the success of multimodal planning and design.

7 (b) In its annual report submitted pursuant to §5-1-20(a) of this code, the Division of
8 Highways shall include:

9 (1) A summary of actions taken by the Division of Highways in the preceding year to
10 improve the safety, access, and mobility of roadways pursuant to section one of this article;

11 (2) Modifications made to or recommended for protocols, guidance, standards, or other
12 requirements to facilitate complete streets implementation;

13 (3) Status of the development of multimodal performance indicators;

14 (4) Any information obtained on the use made of bicycle, pedestrian, transit, and highway
15 facilities together with the existing target level of use for these modes, if any;

- 16 (5) Available crash statistics by mode, age, road type, location, and other relevant factors;
17 and
18 (6) Other related information that may be requested by the Governor or Legislature.

CHAPTER 18. EDUCATION.

ARTICLE 10Q. EMPLOYMENT FIRST POLICY.

§18-10Q-1. Legislative findings.

1 [Repealed.]

§18-10Q-2. Definitions.

1 [Repealed.]

§18-10Q-3. Creation of Employment First Taskforce; membership; meeting requirements.

1 [Repealed.]

§18-10Q-4. Powers and duties of the taskforce; state Employment First Policy; required plan; reporting requirements.

1 [Repealed.]

§18-10Q-5. Sunset date.

1 [Repealed.]

CHAPTER 19. AGRICULTURE.

ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-3. Definitions.

1 Wherever used or referred to in this article, unless a different meaning clearly appears from
2 the context:

3 (1) "Agency of this state" means the government of this state and any subdivision, agency,
4 or instrumentality, corporate or otherwise, of the government of this state.

5 (2) "Agriculture" means the production of food, fiber, and woodland products, by means of
6 cultivation, tillage of the soil, and by the conduct of animal, livestock, dairy, apiary, equine, or

7 poultry husbandry, and the practice of forestry, silviculture, horticulture, harvesting of silviculture
8 products, packing, shipping, milling, and marketing of agricultural products conducted by the
9 proprietor of the agricultural operation, or any other legal plant or animal production, and all farm
10 practices.

11 (3) "Committee" or "State Conservation Committee" means the agency created in §19-
12 21A-4 of this code.

13 (4) "Conservation" means the reduction of soil erosion, enhancement of water supplies,
14 control, and abatement of nonpoint sources of water pollution, improvement of water quality,
15 increased aquatic and wildlife habitat, and the reduction of damages caused by floodwater and
16 sediment damages and other natural disasters.

17 (5) "District" or "conservation district" means a subdivision of this state, organized in
18 accordance with the provisions of this article, for the purposes, with the powers and subject to the
19 restrictions hereinafter set forth.

20 (6) "Grant" means the providing of grants for conservation purposes pursuant to legislative
21 rule.

22 (7) "Governing body" means the supervisors of any conservation district, town, or city,
23 council, city commission, county court, or body acting in lieu of a county court, in this state, and the
24 term "governmental division" means any conservation district, town, city, or county in this state.

25 (8) "Land occupier" or "occupier of land" means any person, firm, or corporation who shall
26 hold title to, or shall be in possession of, any lands lying within a district organized under the
27 provisions of this article, whether as owner, lessee, renter, or tenant.

28 (9) "Landowners" or "owners of land" means any person or persons, firm, or corporation
29 who holds title to any lands lying within a district organized under the provisions of this article.

30 (10) "Notice" means notice published as a Class II legal advertisement in compliance with
31 the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication is the
32 county in which is located the appropriate area. At any hearing held pursuant to such notice at the

33 time and place designated in the notice, adjournment may be made, from time to time, without the
34 necessity of renewing the notice for the adjournment dates.

35 (11) "Petition" means a petition filed under the provisions of §19-21A-14 of this code for the
36 creation of a district.

37 (12) "Soil conservation", "erosion control", or "erosion prevention projects" means those
38 projects that have been established by federal agencies in cooperation with state agencies for the
39 purpose of demonstrating soil erosion control and water conservation practices.

40 (13) "State" means the State of West Virginia.

41 (14) "Supervisor" means one of the members of the governing body of a district, elected or
42 appointed in accordance with the provisions of this article.

43 (15) "Urban Agriculture" means the cultivation, processing, and distribution of agricultural
44 products grown in urban and suburban settings, including vertical production, warehouse farms,
45 community gardens, rooftop farms, hydroponic, aeroponic, and aquaponic facilities, and other
46 innovations.

47 (16) "United States" or "agencies of the United States" means the United States of
48 America, Natural Resources Conservation Service of the United States Department of Agriculture
49 (NRCS), and any other agency or instrumentality, corporate or otherwise, of the United States of
50 America.

51 (17) "Water management" or "water management operation" means practices to conserve
52 and use water as efficiently as possible in agricultural operations and does not refer to or include
53 construction, improvement, operation, or maintenance of flood control dams, channels, dikes, or
54 levees.

55 (18) "Works of improvement" means such structures as may be necessary or convenient
56 for the conservation, development, or utilization of water but does not include flood control dams,
57 channels, dikes, or levees.

§19-21A-4. State Conservation Committee; continuation.

1 (a) The State Conservation Committee is continued. It serves as an agency of the state
2 and is to perform the functions conferred upon it in this article. The committee consists of the
3 following 10 members:

4 (1) Four citizen members;

5 (2) The following *ex officio* members or his or her designee:

6 (A) The Director of the state Cooperative Extension Service;

7 (B) The Director of the State Agricultural and Forestry Experiment Station;

8 (C) The Secretary of the Department of Environmental Protection;

9 (D) The State Commissioner of Agriculture, who is the chairperson of the committee;

10 (E) The Director of the Division of Forestry; and

11 (F) The President of the West Virginia Association of Conservation Districts.

12 (b) The Governor shall appoint, by and with the consent of the Senate, the four citizen
13 members. Members shall be appointed for four-year terms, which are staggered in accordance
14 with the initial appointments under prior enactment of this section. In the event of a vacancy, the
15 appointment is for the unexpired term.

16 (c) The committee may invite the Secretary of Agriculture of the United States of America
17 to appoint one person to serve with the committee as an advisory member.

18 (d) The committee shall keep a record of its official actions, shall adopt a seal, which shall
19 be judicially noticed, and may perform those acts, hold public hearings, and adopt or propose for
20 legislative approval rules necessary for the execution of its functions under this article.

21 (e) The State Conservation Committee may employ an administrative officer, technical
22 experts, and other agents and employees, permanent and temporary, as it requires. The
23 administrative officer and support staff shall be known as the West Virginia Conservation Agency.
24 The committee shall determine their qualifications, duties, and compensation. The committee may
25 call upon the Attorney General of the state for legal services it requires. It may delegate to its

26 chairperson, to one or more of its members, or to one or more agents or employees, powers and
27 duties it considers proper. The committee may secure necessary and suitable office
28 accommodations and the necessary supplies and equipment. Upon request of the committee, for
29 the purpose of carrying out any of its functions, the supervising officer of any state agency or of any
30 state institution of learning shall, insofar as may be possible, under available appropriations and
31 having due regard to the needs of the agency to which the request is directed, assign or detail to
32 the committee members of the staff or personnel of the agency or institution of learning and make
33 special reports, surveys, or studies required by the committee.

34 (f) A member of the committee holds office so long as he or she retains the office by virtue
35 of which he or she is serving on the committee. A majority of the committee is a quorum and the
36 concurrence of a majority in any matter within their duties is required for its determination. The
37 chairperson and members of the committee may receive no compensation for their services on the
38 committee, but are entitled to reimbursement of expenses, including traveling expenses
39 necessarily incurred in the discharge of their duties on the committee. The committee shall:

40 (1) Require the execution of surety bonds for all employees and officers who are entrusted
41 with funds or property;

42 (2) Provide for the keeping of a full and accurate public record of all proceedings and of all
43 resolutions, rules, and orders issued or adopted;

44 (3) Provide for an annual audit of the accounts of receipts and disbursements; and

45 (4) Cooperate with the State Resiliency Office to the fullest extent practicable to assist that
46 office in fulfilling its duties.

47 (g) In addition to other duties and powers conferred upon the State Conservation
48 Committee, it may:

49 (1) Review district programs and offer appropriate assistance to the supervisors of
50 conservation districts, organized as provided in this article, in the carrying out of any of their
51 powers and programs;

52 (2) Assist and advise conservation districts and others in implementing conservation
53 improvements, and projects to control and abate nonpoint sources of water pollution;

54 (3) Keep the supervisors of each of the several districts, organized under the provisions of
55 this article, informed of the activities and experience of all other districts organized under this
56 article, and facilitate an interchange of advice and experience between the districts and
57 cooperation between them;

58 (4) Review agreements, or forms of agreements, proposed to be entered into by districts
59 with other districts or with any state, federal, interstate, or other public or private agency,
60 organization, or individual, and advise the districts concerning such agreements or forms of
61 agreements;

62 (5) Coordinate the programs of the several conservation districts so far as this may be
63 done by advice and consultation;

64 (6) Contract for services directly related to natural disaster recovery and stream restoration
65 related to flooding, on an as-needed basis;

66 (7) Comply with provisions of present and future federal aid statutes and regulations,
67 including execution of contracts or agreements with, and cooperation in, programs of the United
68 States government and any of its proper departments, bureaus, or agencies relating to natural
69 disaster response, natural disaster recovery, or stream restoration related to flooding;

70 (8) Secure the cooperation and assistance of the United States and any of its agencies and
71 of agencies of this state in the work of the districts;

72 (9) Disseminate information throughout the state concerning the activities and programs of
73 the conservation districts and encourage the formation of the districts in areas where their
74 organization is desirable;

75 (10) Administer the provisions of any law hereinafter enacted by the Legislature
76 appropriating funds for expenditures in connection with the activities of conservation districts;
77 distribute to conservation districts funds, equipment, supplies, and services received by the

78 committee for such purpose from any source subject to conditions in any state or federal statute or
79 local ordinance making such funds, property, or services; adopt rules establishing guidelines to
80 govern the use by conservation districts of such funds, property, and services; and review all
81 budgets, administrative procedures, and operations of such districts and advise the districts
82 concerning their conformance with applicable laws and rules;

83 (11) Administer a conservation grant program that provides financial assistance to
84 conservation districts and others to promote approved conservation, water quality, and soil
85 conservation projects;

86 (12) Accept and receive donations, gifts, contributions, grants, and appropriations in
87 money, services, materials, or otherwise, from the United States or any of its agencies, from the
88 State of West Virginia, or from other sources, and use or expend the money, services, materials, or
89 other contributions in carrying out the policy and provisions of this article, including the right to
90 allocate the money, services, or materials in part to the various conservation districts created by
91 this article in order to assist them in carrying on their operations;

92 (13) Obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest,
93 devise, or otherwise, any property, real or personal, or rights or interests in the property; maintain,
94 administer, operate, and improve any properties acquired; receive and retain income from the
95 property and expend the income as required for operation, maintenance, administration, or
96 improvement of the properties or in otherwise carrying out the purposes and provisions of this
97 article; and sell, lease, or otherwise dispose of any of its property or interests in the property in
98 furtherance of the purposes and the provisions of this article. Money received from the sale of land
99 acquired in the small watershed program shall be deposited in the special account of the State
100 Conservation Committee and expended as provided in this article;

101 (14) Promulgate emergency and legislative rules to effectuate the provisions of this article;
102 and

103 (15) Upon a Governor's proclamation declaring a state of emergency or federal disaster
104 declaration, the state committee, its employees, or agents may enter any water of the state for the
105 purpose of removing debris and other obstruction which impede water flow and present additional
106 flood hazards. The agency shall make reasonable efforts to secure the permission of the
107 landowner before entering any private property in connection with these removal activities. The
108 exercise of this limited authority does not constitute taking of private property or trespass. This
109 authority shall continue for the duration of the Governor's proclamation or the federal disaster
110 declaration.

111 (16) Require annual reports from conservation districts, the form and content of which shall
112 be developed by the state committee; and

113 (17) Establish by rule, adequate and reasonably uniform accounting and auditing
114 procedures which shall be used by conservation districts.

115 (18) Enter into contracts and other arrangements with agencies of the United States, with
116 persons, firms, or corporations, including public and nonprofit corporations, with the state
117 government of this state or other states, or any department or agency thereof, with governmental
118 divisions, with soil conservation, drainage, flood control, soil erosion, or other improvement
119 districts in this state or other states for cooperation or assistance in constructing, improving,
120 operating, or maintaining works of improvement and flood control dams, channels, dikes, and
121 levees within the state, or in preventing floods, or in conserving, developing, utilizing, and
122 disposing of water in the state, or for making surveys, investigations, or reports thereof; and to
123 obtain options upon and acquire property, real or personal, or rights or interests therein, required
124 for flood prevention and water quality improvement, or the conservation, development, utilization,
125 and disposal of water within the state and to construct, improve, operate, or maintain thereon or
126 therewith works of improvement and flood control dams, channels, dikes, and levees: *Provided,*
127 That any alteration, improvement, or agreement related to a dam owned or sponsored by the state

128 conservation committee is subject solely to the authority of the Department of Environmental
129 Protection.

**§19-21A-7. Supervisors to constitute governing body of district; qualifications and terms of
supervisors; powers and duties; removal.**

1 (a) The governing body of the district consists of the supervisors, appointed or elected, as
2 provided in this article. The supervisors shall be persons who are by training and experience
3 qualified to perform the specialized skilled services which are required of them in the performance
4 of their duties under this section and shall be legal residents and landowners in the district.

5 (b) The supervisors shall designate a chairperson and may, from time to time, change the
6 designation. On and after the election of supervisors in 2008, the term of office of each elected
7 supervisor is four years. A supervisor holds office until his or her successor has been elected or
8 appointed. In case a new county is added to a district, the committee may appoint two supervisors
9 to represent the county until the next regular election of supervisors for the district takes place.

10 (c) A supervisor is entitled to reasonable and necessary expenses and a per diem of not
11 more than \$150 nor less than \$30 when engaged in the performance of his or her duties. The
12 expense and per diem rate shall be established by the state committee based on availability of
13 funds.

14 (d) The supervisors may, with the approval of the State Conservation Committee, employ a
15 secretary, technical experts and any other officers, agents and employees, permanent and
16 temporary, either with or without compensation, as they may require and shall determine their
17 qualifications, duties and compensation, if any.

18 (e) The supervisors may delegate to their chairperson, to one or more supervisors or to
19 one or more agents, or employees, those administrative powers and duties they consider proper.
20 The supervisors shall furnish to the State Conservation Committee, upon request, copies of the
21 ordinances, rules, orders, contracts, forms, and other documents they adopt or employ and any

22 other information concerning their activities required in the performance of State Conservation
23 Committee's duties under this article.

24 (f) The supervisors shall:

25 (1) Require the execution of surety bonds for all employees and officers who are entrusted
26 with funds or property;

27 (2) Provide for the keeping of a full and accurate record of all proceedings and of all
28 resolutions, rules, and orders issued or adopted; and

29 (3) Provide for an annual audit of the accounts of receipts and disbursements.

30 (g) Any supervisor may be removed from office pursuant to §6-6-7 of this code.

31 (h) The supervisors may invite the legislative body of any municipality or county located
32 near the territory comprised within the district to designate a representative to advise and consult
33 with the supervisors of a district on all questions of program and policy which may affect the
34 property, water quality, or other interests of the municipality or county.

§19-21A-8. Powers and duties of conservations districts and supervisors.

1 A conservation district organized under the provisions of this article and the supervisors
2 thereof shall have the following powers and duties, in addition to others granted in other sections
3 of this article:

4 (1) To hold public meetings, to conduct surveys, investigations, and research relating to the
5 character of soil erosion, floodwater and sediment damage, and nonpoint source water pollution,
6 and to the conservation, development, utilization, water quality, disposal of water, and the
7 preventive and control measures needed to publish the results of such surveys, investigations, or
8 research, and to disseminate information concerning such preventive and control measures and
9 works of improvement to the public: *Provided*, That in order to avoid duplication of research
10 activities, a district may not initiate any research program or publish the results except with the
11 approval of the state committee and in cooperation with the government of this state or any of its
12 agencies, or with the United States or any of its agencies. The provisions of this subdivision may

13 not be construed to affect or alter any state or federal funding to the West Virginia Conservation
14 Agency;

15 (2) To conduct demonstrational projects within the district on lands owned or controlled by
16 this state or any of its agencies, with the consent and cooperation of the agency administering and
17 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
18 the owner and occupier of the lands or the necessary rights or interests in the lands in order to
19 demonstrate by example the means, methods, and measures by which soil and soil resources
20 may be conserved and soil erosion in the form of soil washing may be prevented and controlled,
21 and water quality may be improved;

22 (3) To carry out preventive and control measures within the district, including, but not
23 limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in
24 use of land; drainage, irrigation, and other agricultural water management operations, or for the
25 control and abatement of nonpoint sources of water pollution; and the measures listed in §19-21A-
26 2 of this code on lands owned or controlled by this state or any of its agencies with the consent and
27 cooperation of the agency administering and having jurisdiction thereof and on any other lands
28 within the district upon obtaining the consent of the owner and occupier of such lands or the
29 necessary rights or interests in such lands;

30 (4) To cooperate, or enter into agreements with, and within the limits of appropriations duly
31 made available to it by law, to furnish financial or other aid to any agency, governmental or
32 otherwise, or any occupier of lands within the district in the carrying on of erosion-control and
33 prevention operations, and operations for the control and abatement of nonpoint sources of water
34 pollution, subject to such conditions as the supervisors may deem necessary to advance the
35 purposes of this article;

36 (5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant,
37 bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to
38 maintain, administer, and improve any properties acquired, to receive income from such

39 properties, and to expend such income in carrying out the purposes and provisions of this article;
40 and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of
41 the purposes and the provisions of this article;

42 (6) To accept and receive donations, gifts, contributions, grants, and appropriations in
43 money, services, materials, or otherwise from the United States or any of its agencies, from the
44 state of West Virginia, or from other sources and use or expend the money, services, materials, or
45 other contributions in carrying out the policy and provisions of this article;

46 (7) To make available, on such terms as it shall prescribe, to land occupiers within the
47 district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings,
48 and such other material or equipment as will assist such land occupiers to carry on operations
49 upon their lands for the conservation of soil resources, and for the prevention and control of soil
50 erosion, and for the conservation, development, utilization, and quality of water;

51 (8) To develop and submit to the state committee its proposed long-range program and
52 annual work plans related to the conservation of soil resources, and for the control and prevention
53 of soil erosion, and for water quality improvement, or the conservation, development, and
54 utilization of water within the district. The plans shall specify, in as much detail as may be possible,
55 the acts, procedures, performances, and avoidances which are necessary or desirable for the
56 effectuation of such plans, including the specification of engineering operations, methods of
57 cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of
58 land; and to publish such plans and information and bring them to the attention of occupiers of
59 lands within the district;

60 (9) To take over, by purchase, lease, or otherwise, and to administer any soil-conservation,
61 drainage, irrigation, water-management, erosion-control or erosion-prevention project, or
62 combinations thereof, located within its boundaries, undertaken by the United States or any of its
63 agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of
64 its agencies, or of this state or any of its agencies, any soil-conservation, drainage, irrigation,

65 water-management, erosion-control or erosion-prevention project, or combinations thereof, within
66 its boundaries; to act as agent for the United States or any of its agencies, or for this state or any of
67 its agencies, in connection with the acquisition, construction, operation, or administration of any
68 soil-conservation, drainage, irrigation, water-management, erosion-control or erosion-prevention
69 project, or combinations thereof, within its boundaries; to accept donations, gifts, contributions,
70 and grants in money, services, materials, or otherwise, from the United States or any of its
71 agencies, or from this state or any of its agencies, or from any other source and to use or expend
72 such money, services, materials, or other contributions in carrying on its operations;

73 (10) To sue and be sued in the name of the district; to have a seal, which shall be judicially
74 noticed; to have perpetual succession unless terminated as hereinafter provided; to make and
75 execute contracts and other instruments, necessary or convenient to the exercise of its powers; to
76 make and, from time to time, amend and repeal rules and regulations not inconsistent with this
77 article to carry into effect its purposes and powers;

78 (11) As a condition to extending any benefits under this article to, or the performance of
79 work upon any lands, the supervisors may require contributions in money, services, materials, or
80 otherwise to any operations conferring such benefits and may require land occupiers to enter into
81 and perform such agreements or covenants as to the permanent use of such lands as will tend to
82 prevent or control erosion thereon;

83 (12) No provisions with respect to the acquisition, operation, or disposition of property by
84 other public bodies shall be applicable to a district organized hereunder in its acquisition,
85 operation, and disposition of property unless the Legislature shall specifically so state;

86 (13) Each district shall, through public meetings, publications, or other means, keep the
87 public, agencies, and occupiers of the land within the district informed of the works and activities
88 planned and administered by the district, of the purposes these will serve, and of the results
89 achieved annually by the districts;

90 (14) By no later than July 1, 2026, each district shall convey and transfer all its ownership
91 and sponsorship interest in any flood control dams, channels, dikes, levees, and any existing
92 contracts or agreements related to those structures, and any property and easements associated
93 with those flood control dams, channels, dikes, and levees, to the West Virginia Conservation
94 Agency and thereafter may not take an ownership or sponsorship interest in, or operate or
95 maintain, any flood control dams, channels, dikes, or levees: *Provided*, That any alteration,
96 improvement, or agreement related to a dam owned or sponsored by the West Virginia
97 Conservation Agency is subject solely to the authority of the Department of Environmental
98 Protection, and as such shall fully consent as the owner or sponsor to any plan approved by the
99 Department of Environmental Protection; and

100 (15) Upon the conveyance and transfer of its ownership and sponsorship interests in any
101 flood control dams, channels, dikes, levees, and any existing contracts or agreements related to
102 those structures, to the West Virginia Conservation Agency, and by no later than July 1, 2026,
103 each district shall also transfer all funds and accounts associated with the construction, operation,
104 and maintenance of those flood control dams, channels, dikes, and levees to the West Virginia
105 Conservation Agency.

§19-21A-11. Authority of counties and municipalities to expend money for works of improvement; levy.

1 A county commission or the governing body of any municipality that may reasonably be
2 expected to receive a benefit from the construction, improvement, operation, or maintenance of
3 any works of improvement may expend money for such construction, improvement, operation, or
4 maintenance if this expectation exists as to any part of the county or municipality and even though
5 such works of improvement are not located within the corporate limits of the county or municipality
6 or are not within this state: *Provided*, That if the expenditure is not made directly by the county
7 commission or the governing body of the municipality for such purpose, it shall be made only
8 through the committee or the conservation agency. The governing bodies or municipalities, or

9 county commissions may set up in their respective budgets funds to be spent for such purposes
10 and municipalities and counties may levy and collect taxes for such purposes in the manner
11 provided by law: *Provided, however,* That in case sufficient funds cannot be raised by ordinary
12 levies, additional funds may be raised by municipalities and counties as provided by §11-8-16 of
13 this code.

§19-21A-12. Assurances of cooperation by counties and municipalities.

1 (a) By vote of the governing body of a municipality or a county commission, any county or
2 municipality authorized to expend money on works of improvement by §19-21A-11 of this code,
3 may alone, or in combination with, the committee or the conservation agency, give assurances, by
4 contract or otherwise, satisfactory to agencies of the United States, congressional committees or
5 other proper federal authority that the county or municipality will construct, improve, operate, or
6 maintain works of improvement or will appropriate a sum or sums of money and expend it for such
7 purposes as provided in §19-21A-11 of this code.

8 (b) The assurances, whether by contract or otherwise, shall be reduced to writing and
9 before final approval of the governing bodies involved shall be submitted to the Attorney General
10 for approval. After approval by the Attorney General and by the governing body or bodies
11 concerned, certified copies of the assurances shall be filed in the office of the county clerk of the
12 county or counties in which the governing bodies are located and in the office of the State Tax
13 Commissioner.

14 (c) Any assurance hereunder may be valid and binding for a period of time not to exceed
15 50 years.

**§19-21A-13. Contracts for construction of flood control projects; power to borrow money;
levy.**

1 The county commission of each county and the governing body of each municipality in the
2 state are hereby authorized and empowered to enter into a contract or agreement with the
3 conservation committee or the conservation agency for the purpose of constructing flood control

4 projects within their respective counties or municipalities or adjacent thereto and to use the
5 projects as recreational areas or public parks. For the purpose of defraying the cost of any such
6 project or projects, the county commission or the governing body of any municipality is hereby
7 authorized to borrow from the federal government or from any federal agency having money to
8 loan, a sum sufficient to cover the cost of such project or projects. For the purpose of retiring any
9 indebtedness incurred under the provisions of this section, notwithstanding any other provisions of
10 law, the county commission or the governing body of any municipality is hereby authorized to lay
11 and impose a county or citywide levy as the case might be.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 11A. CARBON DIOXIDE SEQUESTRATION PILOT PROGRAM.

§22-11A-1. Legislative findings.

1 [Repealed.]

§22-11A-4. General powers and duties of the secretary with respect to carbon dioxide sequestration.

1 [Repealed.]

§22-11A-6. Carbon dioxide sequestration working group.

1 [Repealed.]

§22-11A-7. Reporting and accountability.

1 [Repealed.]

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-15. Commission to implement NG911 in West Virginia.

1 [Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

**ARTICLE 24. TECHNOLOGY-RELATED ASSISTANCE REVOLVING LOAN FUND FOR
INDIVIDUALS WITH DISABILITIES ACT.**

§29-24-2. Terms defined.

1 As used in this article, the term:

2 (a) "Division" means the Division of Rehabilitation Services, as created in §18-10A-2 of this
3 code.

4 (b) "Individual with disability" means any individual, of any age who, for the purposes of
5 state or federal law, is considered to have a disability or handicap, injuries, and chronic health
6 conditions, whether congenital or acquired; and who is or would be enabled by technology-related
7 devices or technology-related services to maintain or improve his or her ability to function in
8 society and the workplace.

9 (c) "Qualifying borrower" means any individual with disabilities and their family members,
10 guardians, authorized representatives, or nonprofit entity who demonstrates that such a loan will
11 improve their independence or become more productive members of the community. The
12 individual must demonstrate credit worthiness and repayment abilities to the satisfaction of the
13 board. No more than 20 percent of all loan funds are to be provided to nonprofit entities in a single
14 year.

15 (d) "Technology-related assistance" means either the provision of technology-related
16 devices or technology-related services to improve the independence, quality of life, or productive
17 involvement in the community of individuals with disabilities.

18 (e) "Technology-related device" means any item, piece of equipment or product system,
19 whether acquired commercially off-the-shelf, modified or customized, that is used to increase,
20 maintain or improve functional capabilities of individuals with disabilities.

21 (f) "Technology-related service" means any service that directly assists an individual with a
22 disability in the selection, acquisition or use of a technology-related device, including:

23 (1) The evaluation of the needs of an individual with a disability, including a functional
24 evaluation in the individual's customary environment;

25 (2) Purchasing, leasing or otherwise providing for the acquisition of technology-related
26 devices by individuals with disabilities;

27 (3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or
28 replacing technology-related devices;

29 (4) Coordinating and using other therapies, interventions, or services with technology-
30 related devices, such as those associated with existing education and rehabilitation plans and
31 programs; and

32 (5) Training or technical assistance for individuals or the family of an individual with
33 disabilities.

34 (g) "Revolving loan fund" means the technology-related assistance revolving loan fund for
35 individuals with disabilities established in this article.

36 (h) "Consumer" means individuals with disabilities and, when appropriate, their family
37 members, guardians, advocates, or authorized representatives.

§29-24-3. Board created, membership, terms, officers and staff.

1 [Repealed.]

§29-24-4. Compensation and expenses of board.

1 [Repealed.]

§29-24-5. Power, duties and responsibilities of the division; loans.

1 (a) The division has the following powers, duties, and responsibilities:

2 (1) Propose rules for legislative promulgation in accordance with §29A-3-1 *et seq.* of this
3 code for the transaction of its business and to carry out the purposes of this article. The rules shall
4 include:

5 (A) Guidelines, procedures, reporting requirements, accountability measures, and such
6 other criteria as the board deems appropriate and necessary to fulfill its governance responsibility

7 under this article if it elects to contract with a nonprofit, consumer-driven organization to carry out
8 the purposes of this article;

9 (B) An appeals process with regard to the administration of the fund; and

10 (C) Rules governing the operation of the fund, including, but not limited to, eligibility of
11 receipt of funds and all other matters consistent with and necessary to accomplishing the purpose
12 of this fund;

13 (2) Receive, administer, and disburse funds to support purposes established by this article
14 and contract with nonprofit, consumer-based groups dealing with individuals with disabilities to
15 assist in administering programs established by this article;

16 (3) Maintain detailed records of all expenditures of the fund, funds received as gifts and
17 donations, and disbursements made from the revolving loan fund;

18 (4) Submit a summary report concerning programmatic and financial status of the
19 revolving loan fund, which report shall be included in the division's annual report, as required by
20 §5-1-20(a) of this code;

21 (5) Develop and implement a comprehensive set of financial standards to ensure the
22 integrity and accountability of all funds received as well as loan funds disbursed; and

23 (6) Conform to the standards and requirements prescribed by the State Auditor.

24 (b) Subject to available funds, the division shall enter into loan agreements with any
25 qualifying borrower, who demonstrates that:

26 (1) The loan will assist one or more individuals with disabilities in improving their
27 independence, productivity, and full participation in the community; and

28 (2) The applicant has the ability to repay the loan. Any necessary loan limitation shall be
29 determined by the division. All loans must be repaid within such terms and at such interest rates as
30 the division may determine to be appropriate: *Provided*, That no loan may extend beyond 60
31 months from date of award and may be paid off anytime without prepayment penalty. The division
32 shall determine the interest rate to be charged on loans made pursuant to this article, but in no

33 event may the interest rate on any such loans be less than four or more than 21 percent per
34 annum.

35 (c) The division may authorize loans up to 90 percent of the cost of an item or items.

36 (d) The division may award loans to qualifying borrowers for purposes, including, but not
37 limited to, the following:

38 (1) To assist one or more individuals with disabilities to improve their independence
39 through the purchase of technology-related devices; and

40 (2) To assist one or more individuals with disabilities to become more independent
41 members of the community and improve such individuals quality of life within the community
42 through the purchase of technology-related devices.

43 (e) If there is a failure of the borrower to repay the loan balance due and owing, the division
44 shall seek to recover the loan balance by such legal or administrative action available to it.
45 Persons or representatives of persons who default on a loan are not eligible for a new loan. The
46 division shall retain ownership of all property, equipment, or devices until the borrower's loan is
47 paid in full.

48 (f) A new loan may not be issued to, or on behalf of, a disabled person if a previous loan
49 made to, or on behalf of, such person remains unpaid.

50 (g) The division may charge a fee for loan applications and processing. All funds generated
51 by fee charges shall be directly placed into the revolving loan fund to off-set the costs of application
52 processing.

53 (h) The division may accept federal funds granted by Congress or executive order for the
54 purposes of this chapter as well as gifts and donations from individuals, private organizations, or
55 foundations. The acceptance and use of federal funds does not commit state funds and does not
56 place an obligation upon the Legislature to continue the purposes for which the federal funds are
57 made available. All funds received in the manner described in this article shall be deposited in the
58 revolving loan fund to be disbursed as other moneys in the revolving loan fund.

§29-24-7. Fund created.

1 The technology-related assistance revolving loan fund for individuals with disabilities is
2 hereby created in the State Treasury to be expended by the division in accordance with the
3 provisions of and for the purposes of this article. Upon the effective date of this section, any funds
4 remaining in the technology-related assistance revolving loan fund for individuals with disabilities
5 created by §247-1-1 *et seq.* of this code, acts of the Legislature, regular session, 1996, which is
6 hereby abolished, shall be deposited into the fund created by this section. Nothing contained
7 herein may be construed to require any level of funding by the Legislature.

§29-24-8. Deposits created by the division.

1 The division shall deposit all amounts paid, appropriated, granted or donated to it,
2 including interest accrued on loan balances, fees charged and funds received in repayment of
3 loans, in the revolving loan fund.

§29-24-9. Fund use.

1 The moneys in the revolving loan fund shall be used only for the following purposes:
2 (a) Implementing revolving loan program for technology-related devices;
3 (b) Providing technology-related devices to individuals with severe disabilities who meet
4 economic criteria established by the division;
5 (c) Providing support for technology-related assistance;
6 (d) Providing technology-related and disability prevention education and research;
7 (e) Disseminating public information;
8 (f) Conducting program evaluation and needs assessment;
9 (g) Operating the division and other administrative and personnel costs;
10 (h) Conducting research and demonstration projects, including new and future uses of
11 technology-related services; and
12 (i) Developing a strategic plan.

13 Administrative costs are not to exceed 10 percent of the revolving loan fund's yearly
14 budget.

15 All unexpended moneys contained in this fund at the end of the fiscal year shall be carried
16 forward from year to year.

CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.

ARTICLE 16. TRUSTS FOR CHILDREN WITH AUTISM.

§44-16-7. Repeal of article.

1 The provisions of this section shall sunset, expire, and be of no force and effect on or after
2 January 1, 2027: *Provided*, That qualifying trusts established and having received qualifying
3 contributions on or prior to December 31, 2026, by fulfillment of the requirements of this article,
4 shall continue to qualify for the benefits established in §11-21-12i of this code.

CHAPTER 49. CHILD WELFARE.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-913. Juvenile Justice Reform Oversight Committee.

1 [Repealed.]

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

.....
Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2026.

.....
Governor