

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5448**

By Delegate Akers

[By Request of the Department of Homeland Security

– Emergency Management Division]

[Introduced February 11, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §15-5A-4 of the Code of West Virginia, 1931, as amended, revising  
2 the statute to allow the for the purposes of committee and board meetings any member of  
3 the state emergency response commission to delegate authority for an employee to serve  
4 as a designee in his or her stead as it is not always feasible to honor all requirements to  
5 attend and participate in such meetings.

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

**ARTICLE 5A. WEST VIRGINIA EMERGENCY RESPONSE AND COMMUNITY RIGHT-  
TO-KNOW ACT.**

**§15-5A-4. State emergency response commission created; composition and organization,  
qualifications, terms, removal, compensation, meetings.**

1 (a) There is hereby created the state emergency response commission.  
2 (b) The state emergency response commission shall consist of eleven members, including  
3 the director of the Division of Environmental Protection, the commissioner of the division of public  
4 health, the chief of the office of air quality of the Division of Environmental Protection, the director  
5 of the Office of Emergency Services, the superintendent of the division of public safety, the  
6 commissioner of the Division of Highways; one designee of the Public Service Commission and  
7 one designee of the state Fire Marshal, all of whom are members ex officio. A representative from  
8 the chemical industry, a representative of a municipal or volunteer fire department and a  
9 representative of the public who is knowledgeable in the area of emergency response shall be  
10 appointed by the Governor as public members of the state emergency response commission. The  
11 director of the Office of Emergency Services serves as the chair of the commission and may cast a  
12 vote only in the event of a tie vote. Members serve without compensation, but shall be reimbursed  
13 for all reasonable and necessary expenses actually incurred in the performance of their duties  
14 under this article. The initial public members appointed by the Governor shall serve for a term  
15 ending on July 1, 1991. A successor to a public member of the commission shall be appointed in

16 the same manner as the original public members and has a term of office expiring two years from  
17 the date of the expiration of the term for which his or her predecessor was appointed. In cases of  
18 any vacancy among the public members, such vacancy shall be filled by appointment by the  
19 Governor. Any member appointed to fill a vacancy on the commission occurring prior to the  
20 expiration of the term for which his or her predecessor was appointed shall be appointed for the  
21 remainder of such term. Members appointed by the Governor may be removed by the Governor in  
22 case of incompetency, neglect of duty, gross immorality or malfeasance in office. For the purposes  
23 of committee and board meetings any member of the state emergency response commission may  
24 delegate authority for an employee to serve as a designee in his or her stead as it is not always  
25 feasible to honor all requirements to attend and participate in such meetings.

26 (c) The commission shall elect from its membership a vice chair and appoint a secretary.  
27 The secretary need not be a member of the commission. The vice chair shall preside over the  
28 meetings and hearings of the commission in the absence of the chair. The commission may  
29 appoint and employ such personnel as may be required, whose duties shall be defined by the  
30 commission and whose compensation, to be fixed by the commission, shall be paid out of the state  
31 Treasury, upon the requisition of the commission, from moneys appropriated for such purposes.

32 (d) The commission may establish procedural rules in accordance with chapter twenty-  
33 nine-a of the code for the regulation of its affairs and the conduct of all proceedings before it. All  
34 proceedings of the commission shall be entered in a permanently bound record book, properly  
35 indexed, and the same shall be carefully preserved and attested by the secretary of the  
36 commission. The commission shall meet at such times and places as may be agreed upon by the  
37 commissioners, or upon the call of the chairman of the commission or any two members of the  
38 commission, all of which meetings shall be general meetings for the consideration of any and all  
39 matters which may properly come before the commission. A majority of the commission  
40 constitutes a quorum for the transaction of business.

NOTE: The purpose of this bill is to revise the statute to allow for the purposes of committee

and board meetings any member of the state emergency response commission to delegate authority for an employee to serve as a designee in his or her stead as it is not always feasible to honor all requirements to attend and participate in such meetings.

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