

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Senate Bill 755

BY SENATOR MORRIS

[Passed March 11, 2026; in effect 90 days from
passage (June 9, 2026)]

1 AN ACT to amend and reenact §5A-3-59 of the Code of West Virginia, 1931, as amended, relating
2 to removing the requirement that state agencies submit annual progress reports on small,
3 women, and minority-owned business procurement to the Department of Administration.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-59. Small, women, and minority-owned businesses.

1 (a) As used in this section:

2 (1) "Minority individual" means an individual who is a citizen of the United States or a
3 noncitizen who is in full compliance with United States immigration law and who satisfies one or
4 more of the following definitions:

5 (A) "African American" means a person having origins in any of the original peoples of
6 Africa and who is regarded as such by the community of which this person claims to be a part.

7 (B) "Asian American" means a person having origins in any of the original peoples of the
8 Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands, including, but not limited
9 to, Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana, the Philippines,
10 a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as
11 such by the community of which this person claims to be a part.

12 (C) "Hispanic American" means a person having origins in any of the Spanish-speaking
13 peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or
14 Portuguese cultures and who is regarded as such by the community of which this person claims
15 to be a part.

16 (D) "Native American" means a person having origins in any of the original peoples of
17 North America and who is regarded as such by the community of which this person claims to be
18 a part or who is recognized by a tribal organization.

19 (2) "Minority-owned business" means a business concern that is at least 51 percent owned
20 by one or more minority individuals or in the case of a corporation, partnership, or limited liability

21 company or other entity, at least 51 percent of the equity ownership interest in the corporation,
22 partnership, or limited liability company or other entity is owned by one or more minority individuals
23 and both the management and daily business operations are controlled by one or more minority
24 individuals.

25 (3) "Small business" means a business, independently owned or operated by one or more
26 persons who are citizens of the United States or noncitizens who are in full compliance with United
27 States immigration law, which, together with affiliates, has 250 or fewer employees, or average
28 annual gross receipts of \$10 million or less averaged over the previous three years.

29 (4) "State agency" means any authority, board, department, instrumentality, institution,
30 agency, or other unit of state government. "State agency" does not include any county, city, or
31 town.

32 (5) "Women-owned business" means a business concern that is at least 51 percent owned
33 by one or more women who are citizens of the United States or noncitizens who are in full
34 compliance with United States immigration law, or in the case of a corporation, partnership or
35 limited liability company or other entity, at least 51 percent of the equity ownership interest is
36 owned by one or more women who are citizens of the United States or noncitizens who are in full
37 compliance with United States immigration law, and both the management and daily business
38 operations are controlled by one or more women who are citizens of the United States or
39 noncitizens who are in full compliance with United States immigration law.

40 (b) The Department of Administration shall propose rules for legislative approval pursuant
41 to §29A-3-1 *et seq.* of this code, to implement certification programs for small, women, and
42 minority-owned businesses. These certification programs shall deny certification to vendors from
43 states that deny like certifications to West Virginia-based small, women, or minority-owned
44 businesses or that provide a preference for small, women, or minority-owned businesses based
45 in that state that is not available to West Virginia-based businesses. The rules shall:

46 (1) Establish minimum requirements for certification of small, women, and minority-owned
47 businesses;

48 (2) Provide a process for evaluating existing local, state, private sector and federal
49 certification programs that meet the minimum requirements; and

50 (3) Mandate certification, without any additional paperwork or fee, of any prospective state
51 vendor that has obtained certification under any certification program that is determined to meet
52 the minimum requirements established in the regulations.

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

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

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

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Governor