

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 755

**FISCAL
NOTE**

By Senator Morris

[Introduced February 5, 2026; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL 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, a
10 U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such
11 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 to
15 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 a
18 part or who is recognized by a tribal organization.

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

21 liability company or other entity, at least fifty-one percent of the equity ownership interest in the
22 corporation, partnership, or limited liability company or other entity is owned by one or more
23 minority individuals and both the management and daily business operations are controlled by one
24 or more minority 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 two hundred fifty or fewer employees, or
28 average 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 fifty-one percent
33 owned 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 fifty-one 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) ~~State agencies shall submit annual progress reports on small, women and minority-~~
41 ~~owned business procurement to the Department of Administration in a form specified by the~~
42 ~~Department of Administration~~

43 (c) (b) The Department of Administration shall propose rules for legislative approval
44 pursuant to §29A-3-1 *et seq.* of this code, to implement certification programs for small, women
45 and minority-owned businesses. These certification programs shall deny certification to vendors
46 from states that deny like certifications to West Virginia-based small, women or minority-owned

47 businesses or that provide a preference for small, women or minority-owned businesses based in
48 that state that is not available to West Virginia-based businesses. The rules shall:

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

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

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

NOTE: The purpose of this bill is to remove the requirement that state agencies submit annual progress reports on small, women and minority-owned business procurement to the Department of Administration.

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