

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 894

BY SENATORS SMITH (MR. PRESIDENT) AND WOELFEL

(BY REQUEST OF THE EXECUTIVE)

[Reported March 2, 2026, from the Committee on
Government Organization]

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14 unnecessary, expired, overly large, or outdated boards, districts, and commissions;
15 shifting several tasks, duties, responsibilities, or funds of these outdated or unnecessary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26 removing language referencing the repealed West Virginia Appraisal Control and Review

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

53 Conservation Agency by certain date; clarifying that any alteration, improvement, or
54 agreement related to a dam owned or sponsored by the West Virginia Conservation
55 Agency or state conservation committee is subject solely to the authority of the
56 Department of Environmental Protection; requiring conservation districts to transfer all
57 funds and accounts associated with flood control dams and similar structures to the West
58 Virginia Conservation Agency by certain date; revising definitions; and making technical
59 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, ~~is hereby~~ and previously continued and established as a unit of
3 the Real Estate Division of the Department of Administration, is hereby eliminated. The property
4 belonging to the Public Land Corporation upon the effective date of its elimination shall be
5 transferred to the Division of Natural Resources of the Department of Commerce.

6 (b) ~~The corporation is a public benefit corporation and an instrumentality of the state and~~
7 ~~may sue or be sued, contract and be contracted with, plead and be impleaded, have and use a~~
8 ~~common seal.~~

9 (c) ~~The corporation is vested with-~~ The Division of Natural Resources of the Department
10 of Commerce shall be forthwith vested with:

11 (1) The title of the State of West Virginia in public lands, the title to which now is or may
12 hereafter become vested in the State of West Virginia by reason of any law governing the title of
13 lands of the state: *Provided*, That ~~these~~ lands for which title is specifically vested by law in other

14 state agencies, institutions and departments shall continue to be vested in such state agencies,
15 institutions, and departments;

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

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

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

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

25 (d) The provisions of this article do not apply to:

26 ~~(1) The State of West Virginia's interest in the rivers, streams, creeks or beds thereof and~~
27 ~~all other public lands managed or acquired by the Division of Natural Resources pursuant to the~~
28 ~~provisions of section seven, article one, chapter twenty of this code and section two, article five,~~
29 ~~chapter twenty of this code, the title to all of which shall collectively be transferred to and vested~~
30 ~~in the Division of Natural Resources for the use and enjoyment of the citizens of the state; or~~

31 ~~(2) Public lands acquired by the Division of Forestry pursuant to article one-a, chapter~~
32 ~~nineteen of this code.~~

§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, powers and duties Fund.

1 (a) The corporation is hereby authorized and empowered to:

2 ~~(1) Acquire from any persons or the State Auditor or any local, state or federal agency, by~~
3 ~~purchase, lease or other agreement, any lands necessary and required for public use;~~

4 ~~(2) Acquire by purchase, condemnation, lease or agreement, receive by gifts and devises~~
5 ~~or exchange, rights-of-way, easements, waters and minerals suitable for public use;~~

6 ~~(3) Sell or exchange public lands where it is determined that the sale or exchange of such~~
7 ~~tract meets any or all of the following disposal criteria:~~

8 ~~(A) The tract was acquired for a specific purpose and the tract is no longer required for~~
9 ~~that or any other state purpose;~~

10 ~~(B) Disposal of the tract serves important public objectives including, but not limited to,~~
11 ~~expansion of communities and economic development which cannot be achieved on lands other~~
12 ~~than public lands and which clearly outweigh other public objectives and values including, but not~~
13 ~~limited to, recreation and scenic values which would be served by maintaining the tract in state~~
14 ~~ownership; or~~

15 ~~(C) The tract, because of its location or other characteristics, is difficult and uneconomic~~
16 ~~to manage as part of the public lands and is not suitable for management by another state~~
17 ~~department or agency.~~

18 ~~(4) Sell, purchase or exchange lands or stumpage for the purpose of consolidating lands~~
19 ~~under state or federal government administration subject to the disposal criteria specified in~~
20 ~~subdivision (3) of this subsection;~~

21 ~~(5) Negotiate and effect loans or grants from the government of the United States or any~~
22 ~~agency thereof for acquisition and development of lands as may be authorized by law to be~~
23 ~~acquired for public use;~~

24 ~~(6) Expend the income from the use and development of public lands for the following~~
25 ~~purposes:~~

26 ~~(A) Liquidate obligations incurred in the acquisition, development and administration of~~
27 ~~lands, until all obligations have been fully discharged;~~

28 ~~(B) Purchase, develop, restore and preserve for public use, sites, structures, objects and~~
29 ~~documents of prehistoric, historical, archaeological, recreational, architectural and cultural~~
30 ~~significance to the State of West Virginia; and~~

31 ~~(C) Obtain grants or matching moneys available from the government of the United States~~
32 ~~or any of its instrumentalities for prehistoric, historic, archaeological, recreational, architectural~~
33 ~~and cultural purposes.~~

34 ~~(7) Designate lands, to which it has title, for development and administration for the public~~
35 ~~use including recreation, wildlife stock grazing, agricultural rehabilitation and homesteading or~~
36 ~~other conservation activities;~~

37 ~~(8) Enter into leases as a lessor for the development and extraction of minerals, including~~
38 ~~coal, oil, gas, sand or gravel except as otherwise circumscribed herein: *Provided*, That leases for~~
39 ~~the development and extraction of minerals shall be made in accordance with the provisions of~~
40 ~~sections five and six of this article. The corporation shall reserve title and ownership to the mineral~~
41 ~~rights in all cases;~~

42 ~~(9) Convey, assign or allot lands to the title or custody of proper departments or other~~
43 ~~agencies of state government for administration and control within the functions of departments~~
44 ~~or other agencies as provided by law;~~

45 ~~(10) Make proper lands available for the purpose of cooperating with the government of~~
46 ~~the United States in the relief of unemployment and hardship or for any other public purpose.~~

47 ~~(b)~~(a) There is hereby continued in the state Treasury a special Public Land Corporation
48 Fund into which shall be paid all proceeds from public land sales, and exchanges, and rents,
49 royalties, and other payments from mineral leases. The Division of Natural Resources may
50 acquire public lands from use of the payments made to the fund, along with any interest accruing
51 to the fund. The Public Land Corporation Fund may be used for the benefit, administration,
52 maintenance, or use of any property owned or managed by the Public Land Corporation as of

53 January 1, 2026. The Public Land Corporation Fund shall be administered by the Director of the
54 Division of Natural Resources.

55 ~~(1) Provided, That~~ All royalties and payments derived from rivers, streams, or public lands
56 acquired or managed by the Division of Natural Resources pursuant to ~~section seven, article one,~~
57 ~~chapter twenty §20-1-7~~ of this code and ~~section two, article five, chapter twenty §20-5-2~~ of this
58 code shall be retained by the Division of Natural Resources. ~~Provided, however, That~~

59 (2) All proceeds, rents, royalties, and other payments from land sales, exchanges, and
60 mineral rights leasing for public lands owned, managed, or controlled by the Adjutant General's
61 Department will be retained in a fund managed by the Adjutant General in accordance with §15-
62 6-1 *et seq.* of the code. ~~Provided further, That~~

63 (3) All free gas, sand, gravel, or other natural resources derived from a lease or contract
64 made pursuant to this article will be used to benefit the state agencies, institutions, or departments
65 located on the affected public lands, or for which the corporation was acting or to benefit any state
66 agencies, institutions, or departments having adjacent property. ~~The corporation may acquire~~
67 ~~public lands from use of the payments made to the fund, along with any interest accruing to the~~
68 ~~fund.~~

69 (b) ~~The corporation~~ Division of Natural Resources shall report annually, just prior to the
70 beginning of the regular session of the Legislature, to the ~~finance standing~~ committees on Finance
71 of both houses of the Legislature on the financial condition of the special fund. ~~The corporation~~
72 Division of Natural Resources shall report annually to the Legislature on its public land holdings,
73 ~~and~~ all its leases, its financial condition, and its operations and shall make such recommendations
74 to the Legislature concerning the acquisition, leasing, development, disposition, and use of public
75 lands. The annual reports required by this subdivision do not have to be submitted as stand-alone
76 reports and may be incorporated into any other report obligated by the Division of Natural
77 Resources, which is due contemporaneously.

78 ~~(c) All state agencies, institutions, divisions and departments shall make an inventory of~~
79 ~~the public lands of the state as may be by law specifically allocated to and used by each and~~
80 ~~provide to the corporation a list of such public lands and minerals, including their current use,~~
81 ~~intended use or best use to which lands and minerals may be put: *Provided*, That the Division of~~
82 ~~Highways need not provide the inventory of public lands allocated to and used by it, and the~~
83 ~~Division of Natural Resources need not provide the inventory of rivers, streams and public lands~~
84 ~~acquired or managed by it. The inventory shall identify those parcels of land which have no~~
85 ~~present or foreseeable useful purpose to the State of West Virginia. The inventory shall be~~
86 ~~submitted annually to the corporation by August 1. The corporation shall compile the inventory of~~
87 ~~all public lands and minerals and report annually to the Legislature by no later than January 1, on~~
88 ~~its public lands and minerals and the lands and minerals of the other agencies, institutions,~~
89 ~~divisions or departments of this state which are required to report their holdings to the corporation~~
90 ~~as set forth in this subsection, and its financial condition and its operations.~~

91 ~~(d) Except as otherwise provided by law, when the corporation exercises its powers, the~~
92 ~~corporation will coordinate with other state agencies, institutions, and departments in order to~~
93 ~~develop and execute plans to utilize mineral rights which benefit their operations or the operations~~
94 ~~of any other state agencies, institutions, or departments.~~

§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 ~~Real Estate Division of the Department of Administration~~ the Division of Natural
3 Resources upon the effective date of this section in the year ~~2007~~ 2026:

4 ~~(1) Subject to the provisions of section one-d of this article, the Secretary of the~~
5 ~~Department of Administration or a designee and the Secretary of the Department of Commerce~~
6 ~~or a designee shall determine which employees, records, responsibilities, obligations, assets and~~
7 ~~property, of whatever kind and character, of the Public Land Corporation will be transferred to the~~
8 ~~Real Estate Division of the Department of Administration beginning the effective date of this~~
9 ~~section in the year 2007: *Provided*, That any title transferred to or vested in the Public Land~~
10 ~~Corporation, formerly existing under the provisions of article one-a, chapter twenty of this code,~~
11 ~~as of July 1, 2007, or which may hereafter become vested in the Public Land Corporation in~~
12 ~~accordance with the provisions of this article, shall continue to be vested in the Public Land~~
13 ~~Corporation.~~

14 ~~(2)~~ (1) All orders, determinations, rules, permits, grants, contracts, certificates, licenses,
15 waivers, bonds, authorizations, and privileges which have been issued, made, granted, or allowed
16 to become effective by the Governor, by any state department or agency, or official thereof, or by
17 a court of competent jurisdiction, in the performance of functions which have been transferred to
18 the ~~Real Estate Division of the Department of Administration~~ Division of Natural Resources and
19 were in effect on the date the transfer occurred continue in effect, for the benefit of the ~~department~~
20 division, according to their terms until modified, terminated, superseded, set aside, or revoked in
21 accordance with the law by the Governor, the ~~secretary of the Department of Administration~~
22 Director of the Division of Natural Resources, or other authorized official, a court of competent
23 jurisdiction, or by operation of law.

24 ~~(3)~~ (2) Any proceedings, including, but not limited to, notices of proposed rulemaking, in
25 which the Public Land Corporation was an initiating or responding party are not affected by the

26 ~~transfer~~ elimination of the Public Land Corporation to the ~~Real Estate Division of the Department~~
27 ~~of Administration~~ and the transfer of the public property to the Division of Natural Resources.
28 Orders issued in any proceedings continue in effect until modified, terminated, superseded, or
29 revoked by the Governor, the ~~Secretary of Administration~~ Director of the Division of Natural
30 Resources, by a court of competent jurisdiction, or by operation of law. Nothing in this subdivision
31 prohibits the discontinuance or modification of any proceeding under the same terms and
32 conditions and to the same extent that a proceeding could have been discontinued or modified if
33 the Public Land Corporation had not been ~~transferred to the Real Estate Division of the~~
34 ~~Department of Administration~~ eliminated. Transfer of the public property formerly vested with the
35 Public Land Corporation does not affect suits commenced prior to the effective date of the transfer
36 and all such suits and proceedings shall be had, appeals taken, and judgments rendered in the
37 same manner and with like effect as if the transfer had not occurred, except that the ~~Secretary of~~
38 ~~the Department of Administration~~ Director of the Division of Natural Resources or other officer
39 may, in an appropriate case, be substituted or added 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. ~~DEPARTMENT~~ DIVISION OF ECONOMIC DEVELOPMENT.

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

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

2 (b) The committee consists of ~~17~~ 18 members, including its chairperson. ~~appointed by the~~
3 ~~Governor~~ The chairperson shall be selected by the committee from among its members. to serve
4 ~~at his or her will and pleasure.~~ The committee members shall 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; ~~and~~

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
24 of 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 Advisory Council.

1 ~~(a) The West Virginia Uncrewed Aircraft Systems Advisory Council is hereby created~~
2 ~~within the Division of Economic Development.~~

3 ~~(b) The council consists of the following nine members, including the chairperson:~~

4 ~~(1) The Executive Director of the Division of Economic Development or his or her~~
5 ~~designee, ex officio, who shall serve as the chair of the council, and who shall vote when~~
6 ~~necessary in the event the appointed members of the council become deadlocked;~~

7 ~~(2) The following eight members shall be appointed by the Governor and serve at his or~~
8 ~~her will and pleasure:~~

9 ~~(A) One member representing the Secretary of the Department of Transportation;~~

10 ~~(B) One member from the Adjutant General's Department;~~

11 ~~(C) One member representing the uncrewed aircraft system industry with at least five~~
12 ~~years of experience operating an uncrewed aircraft;~~

13 ~~(D) One member representing a national association of the uncrewed aerial vehicle~~
14 ~~industry;~~

15 ~~(E) One member with experience managing a commercial services airport;~~

16 ~~(F) One member representing business and industry, generally;~~

17 ~~(G) One member representing academia; and~~
18 ~~(H) One member representing the advanced air mobility industry developing human transit~~
19 ~~capabilities.~~

20 ~~(3) Members of the council will receive no compensation but are entitled to reimbursement~~
21 ~~for mileage expenses while attending meetings of the committee to the extent that funds are~~
22 ~~available through the Division of Economic Development.~~

23 ~~(c)~~ (a) The council Director of the Division of Economic Development shall:

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

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

30 (3) Develop recommended legislation addressing specific issues and in furtherance of the
31 comprehensive strategies identified in subdivision (2) ~~subsection (c)~~ of this section.

32 ~~(d) The council shall meet at least annually and may convene public meetings to gather~~
33 ~~information or receive public comments.~~

34 ~~(e) The council shall report on the status of its duties, goals, accomplishments, and~~
35 ~~recommendations to the Legislature on at least an annual basis.~~

36 (b) In its annual report required by §5-1-20(a) of this code, the Secretary of Commerce
37 shall include a progress report on the promotion of uncrewed aircraft systems, including
38 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 ~~46~~ 11 members:

4 (1) ~~The Secretary of Commerce or his or her designee, ex officio;~~

5 ~~(2) The Secretary of the Department~~ The Director of the Department of Economic
6 Development or his or her designee, ex officio;

7 ~~(3)~~ (2) The Secretary of Transportation or his or her designee, ex officio; and

8 ~~(4) Twelve~~ (3) Nine members appointed by the Governor, with the advice and consent of
9 the Senate, representing participants in the state's tourism industry. ~~Ten of the members shall be~~
10 ~~from the private sector, one shall be a director employed by a convention and visitors bureau and~~
11 ~~one shall be a member of a convention and visitors bureau. In making the appointments, the~~
12 ~~Governor may select from a list provided by the West Virginia Hospitality and Travel Association~~
13 ~~of qualified applicants. Of the 12 members so appointed, no fewer than five shall be from each~~
14 ~~congressional district within the state and shall be appointed to provide the broadest geographic~~
15 ~~distribution that is feasible;~~

16 ~~(5) One member to be appointed by the Governor to represent public sector nonstate~~
17 ~~participants in the tourism industry within the state.~~

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

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

25 (e) The Tourism Advisory Council shall:

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

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

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

41 (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 through
2 ~~recommendations by the board~~, becomes 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 through
2 ~~recommendations by each board~~ become effective on January 1, 1992: *Provided*, That those fee
3 schedules based upon fees that require prior approval of the health care financing administration
4 are effective on the effective date approved by the health care financing administration: *Provided*,
5 *however*, That for those fees subject to an established Medicare upper limit, the effective date is

6 the first day of the month immediately succeeding the date the fees can be raised sufficiently to
7 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
7 is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for
8 the taxable year in which the payment is made. This modification is available regardless of the
9 type of return form filed. The taxpayer may elect to carry forward the modification over a period
10 not to exceed four tax years, beginning in the tax year in which the payment was made: *Provided,*
11 That the amount of the decreasing modification, in combination with all other decreasing
12 modifications authorized pursuant to this article, shall in no event reduce taxable income below
13 zero. Any unused decreasing modification carryforward amount remaining after the four-year
14 carryforward period is forfeited. The accrued deposits and earnings on the qualified trust account
15 for a child with autism and the subsequent withdrawal of funds from that trust account, made in
16 accordance with the provisions of article sixteen, chapter forty-four of this code, shall not be
17 treated as taxable income to either the trust or the beneficiary. The provisions of this section
18 are effective for taxable years beginning on 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*
22 *seq.* 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"
26 as 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,
29 or has withdrawn funds from the qualified trust for a child with autism in a way not consistent with
30 the requirements of §44-16-1 *et seq.* of this code, then an assessment shall be made and the
31 income tax liability of the taxpayer shall be recomputed disallowing the decreasing modification
32 so taken. Such assessment shall not be barred by any statute of limitations otherwise applicable
33 to the tax imposed pursuant to this article. Amended returns shall be filed for any tax year for
34 which the decreasing modification was improperly taken. Any additional taxes due under this
35 chapter shall be remitted with the amended return or returns filed with the Tax Commissioner,
36 along with interest, as provided in §11-10-17 and such other penalties and additions to tax as may
37 be 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
43 file 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
53 the 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) "Council" means the West Virginia council on aging.~~

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

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

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

26 ~~(l)~~ (k) "Sliding fee scale" means a fee for services provided based on an individual client's
27 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~~ Secretary of the Department of Human Services shall promulgate rules to
2 carry out the provisions of this article. ~~The Governor shall establish an advisory committee~~
3 ~~consisting of at least five individuals representing: An administrator of a small rural hospital; an~~
4 ~~administrator of a hospital having a disproportionate share of Medicaid or charity care; a~~
5 ~~registered professional nurse; a physician licensed in this state; and beneficiaries of the plan or~~
6 ~~plans. The majority of this advisory committee shall consist of health care providers. The purpose~~
7 ~~of the advisory committee is to advise and assist in the establishment of reasonable payment~~
8 ~~methods, schedule or schedules and rates. The advisory committee shall serve without~~
9 ~~compensation; however, the members thereof are entitled to reimbursement of their expenses.~~
10 The policies and procedures of the rate schedule process setting forth the methodology for
11 determination of rates, payments, and schedules are subject to the legislative rule-making
12 procedures of ~~chapter twenty nine a~~ §29A-1-1 et seq. of this code. ~~Provided, That emergency~~
13 ~~rules may be utilized: Provided, however, That the actual rates, payments and schedules~~
14 ~~themselves shall not be subject to chapter twenty nine a of this code~~ The Secretary of the
15 Department of Human Services may utilize emergency rules. The actual rates, payments, and
16 schedules themselves shall not be subject to §29A-1-1 et seq. of this code, and may be instituted
17 by the 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) "~~Director~~" means ~~the director of the division of health~~ "Commissioner" means the
3 Commissioner of the Bureau of Public Health;

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

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

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

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

16 (f) "Needlestick injury" means the parenteral introduction into the body of a health care
17 worker, during the performance of his or her duties, of blood or other potentially infectious material

18 by a hollow-bore needle or sharp instrument, including, but not limited to, needles, lancets,
19 scalpels, and contaminated broken glass; and

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

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

1 ~~(a) On or before July 1, 2000, the director shall, with the advice and cooperation of the~~
2 ~~advisory committee established under this article, propose rules for legislative approval in~~
3 ~~accordance with the provisions of article three, chapter twenty nine a of this code requiring~~
4 ~~facilities, as a condition of licensure certification or operation, to minimize the risk of needlestick~~
5 ~~and sharps injuries to health care workers. In developing the rules the director shall take into~~
6 ~~consideration the most recent guidelines of the occupational safety and health administration that~~
7 ~~relate to prevention of needlestick and sharps injuries.~~

8 (b) The commissioner is authorized to promulgate legislative rules, pursuant to §29A-1-1
9 et seq. of this code. The rules shall should include, but not be limited to, the following provisions:

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

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

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

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

- 22 (C) A description of the exposure incident which shall at a minimum include:
- 23 (i) The job classification of the exposed worker;
- 24 (ii) The department or work area where the exposure incident occurred;
- 25 (iii) The procedure that the exposed worker was performing at the time of the incident;
- 26 (iv) How the incident occurred;
- 27 (v) The body part involved in the exposure incident;
- 28 (vi) If the sharp had engineered sharps injury protection, whether the protective
- 29 mechanism was activated and whether the injury occurred before the protective mechanism was
- 30 activated, during activation of the mechanism or after activation of the mechanism, if applicable;
- 31 and
- 32 (vii) Any suggestions by the injured employee as to whether or how protective
- 33 mechanisms or work practice control could be utilized to prevent such injuries;
- 34 (3) A provision for maintaining a list of existing needleless systems and needles and
- 35 sharps with engineered injury protections. The ~~director~~ commissioner shall make the list available
- 36 to assist employers in complying with the requirements of the standards adopted in accordance
- 37 with this article; and
- 38 (4) Any additional provisions consistent with the purposes of this article, including, but not
- 39 limited to, training and educational requirements, measures to increase vaccinations, strategic
- 40 placement of sharps containers as close to the work area as is practical, and increased use of
- 41 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, ~~in consultation with the council created~~
2 ~~under section six of this article~~, propose rules for legislative approval in accordance with the
3 provisions of ~~article three, chapter twenty-nine-a~~ §29A-3-1 et seq. of this code to do all of the
4 following:

5 (1) Implement the birth defects information system;

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

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

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

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

§16-40-8. Reports by commissioner.

1 ~~Prior to January 1, three years after the date a birth defects information system is~~
2 ~~implemented pursuant to this article, and by January 1, of each year after that, the commissioner~~
3 ~~shall prepare a report regarding the birth defects information system. The council created under~~
4 ~~section six of this article shall, not later than two years after the date a birth defects information~~
5 ~~system is implemented, specify the information the commissioner is to include in each report. The~~
6 ~~commissioner shall file the report with the Governor and the Joint Committee on Government and~~
7 ~~Finance. The commissioner shall include an update on the birth defects information system in~~
8 ~~the 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
11 is encouraged to create a safe, comprehensive, integrated, and connected network to
12 accommodate 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
14 as 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. ~~in consultation with the advisory board as outlined in~~
35 ~~section three of this article~~

§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 ~~(c) Documentation of any granted exceptions may be made publicly available and shared~~
18 ~~with the advisory board as established in section three of this article.~~

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

1 ~~(a) A Complete Streets Advisory Board to the Division of Highways is established to:~~ The
2 Division of Highways shall:

3 (1) Provide and facilitate communication, education, and advice ~~between the Division of~~
4 ~~Highways,~~ with counties, municipalities, interest groups, and the public; and

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

9 ~~(3) Submit to the Joint Committee on Government and Finance, through the Division of~~
10 ~~Highways, an annual report as outlined herein.~~

11 ~~(b) The advisory board shall consist of 15 members, designated as follows:~~

12 ~~(1) The Commissioner of Highways or his or her designee;~~

13 ~~(2) The Secretary of the Department of Transportation or his or her designee;~~

14 ~~(3) The Secretary of the Department of Health or his or her designee; and~~

15 ~~(4) Twelve members who serve at the will and pleasure of the Governor and appointed by~~
16 ~~the Governor as follows:~~

17 ~~(A) One member who is a licensed engineer with expertise in transportation or civil~~
18 ~~engineering;~~

19 ~~(B) One member representing the American Planning Association;~~

20 ~~(C) One member representing a state association of counties;~~

21 ~~(D) One member representing state association of municipalities;~~

22 ~~(E) One member representing a major regional or local public transportation agency;~~

23 ~~(F) One member representing a national association of retired persons;~~

24 ~~(G) One member representing an organization interested in the promotion of bicycling;~~

25 ~~(H) One member representing an organization interested in the promotion of walking and~~
26 ~~health;~~

27 ~~(I) One member representing an organization representing persons with disabilities;~~

28 ~~(J) One member representing an automobile and/or trucking organization; and~~

29 ~~(K) Two members of the general public interested in promoting complete streets policies,~~
30 ~~one representing each congressional district, as determined by the Governor.~~

31 ~~(c) The Commissioner of Highways shall serve as the first chair of the board. The board~~
32 ~~shall meet at least twice a year and at the call of the chair or a majority of the members. The~~
33 ~~members of the board shall annually elect one of its members to serve as chair after the first year.~~

34 ~~(d) The initial terms of appointment for members appointed by the Governor shall be as~~
35 ~~follows: Three members appointed to a term of one year, three members appointed to a term of~~
36 ~~two years, three members appointed to a term of three years and four members appointed to a~~
37 ~~term of four years. Thereafter each member shall be appointed for four years. A member shall~~
38 ~~serve until his or her successor is appointed. In the case of a vacancy the appointee shall serve~~
39 ~~the remainder of the unexpired term. Members of the board may succeed themselves and shall~~
40 ~~serve without compensation. The members appointed by the Governor are entitled to be~~
41 ~~reimbursed in a manner consistent with the guidelines of the Travel Management Office of the~~
42 ~~Department of Administration for actual and necessary mileage expenses incurred while attending~~
43 ~~official meetings of the board.~~

44 ~~(e) On December 1, the board shall submit an annual report to the Governor, the~~
45 ~~Commissioner of Highways and the Joint Committee on Government and Finance on the status~~
46 ~~of implementation of section one of this article.~~

47 ~~(1) The annual report shall include the following information:~~

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

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

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

54 (C) (3) Status of the development of multimodal performance indicators;

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

57 (E) (5) Available crash statistics by mode, age, road type, and location, and other relevant
58 factors; and

59 (F) (6) Other related information that may be requested by the Governor or Legislature.

60 ~~(2) The Division of Highways may assist the board in the preparation of the board's annual~~
61 ~~report.~~

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
2 from 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
24 the term "governmental division" means any conservation district, town, city, or county in this
25 state.

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

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

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

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

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

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

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

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

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

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

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

56 ~~(17)~~(18) "Works of improvement" means such structures as may be necessary or
57 convenient for ~~flood prevention~~ or the conservation, development, utilization or disposal of water
58 but does not include flood control dams, 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
30 any state institution of learning shall, insofar as may be possible, under available appropriations
31 and having due regard to the needs of the agency to which the request is directed, assign or detail
32 to the committee members of the staff or personnel of the agency or institution of learning and
33 make 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
38 the 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
43 all 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; ~~and prevent~~
54 ~~damage from floodwater and sediment;~~

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

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

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

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

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

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

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

76 (10) Administer the provisions of any law hereinafter enacted by the Legislature
77 appropriating funds for expenditures in connection with the activities of conservation districts;

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

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

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

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

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

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

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

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

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

129 state conservation committee is subject solely to the authority of the Department of Environmental
130 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
15 a secretary, ~~dam monitors~~, technical experts and any other officers, agents and employees,
16 permanent and temporary, either with or without compensation, as they may require and shall
17 determine their qualifications, duties and compensation, if any. ~~Dam monitors, as specified in any~~
18 ~~emergency action plan or monitoring plan approved by the Department of Environmental~~
19 ~~Protection pursuant to its dam safety rules, pertaining to a flood control structure operated or~~
20 ~~maintained by a soil conservation district and any other employees, agents or officers employed~~
21 ~~pursuant to this section are "employees" of the district within the meaning of subsection (a),~~
22 ~~section three, article twelve a, chapter twenty nine of this code.~~

23 (e) The supervisors may delegate to their chairperson, to one or more supervisors or to
24 one or more agents, or employees, those administrative powers and duties they consider proper.
25 The supervisors shall furnish to the State Conservation Committee, upon request, copies of the
26 ordinances, rules, orders, contracts, forms and other documents they adopt or employ and any
27 other information concerning their activities required in the performance of State Conservation
28 Committee's duties under this article.

29 (f) The supervisors shall:

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

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

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

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

36 (h) The supervisors may invite the legislative body of any municipality or county located
37 near the territory comprised within the district to designate a representative to advise and consult
38 with the supervisors of a district on all questions of program and policy which may affect the
39 property, water ~~supply~~ 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
5 the character of soil erosion, floodwater and sediment damage, and nonpoint source water
6 pollution, and to the conservation, development, utilization, water quality, disposal of water, and
7 the preventive and control measures needed to publish the results of such surveys, investigations,
8 or research, and to disseminate information concerning such preventive and control measures

9 and 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. ~~*Provided, however*, That any alteration,
13 improvement, or agreement related to a dam owned or sponsored by a local conservation district
14 is subject solely to the authority of the Department of Environmental Protection.~~ The provisions of
15 this ~~subsection~~ subdivision may not be construed to affect or alter any state or federal funding to
16 the West Virginia Conservation Agency;

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

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

33 (4) To cooperate, or enter into agreements with, and within the limits of appropriations
34 duly made available to it by law, to furnish financial or other aid to any agency, governmental or

35 otherwise, or any occupier of lands within the district in the carrying on of erosion-control and
36 prevention operations, and operations for the control and abatement of nonpoint sources of water
37 pollution, ~~and works of improvement within the district~~, subject to such conditions as the
38 supervisors may deem necessary to advance the purposes of this article;

39 (5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant,
40 bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; ~~to~~
41 ~~institute condemnation proceedings to acquire any property, real or personal, or rights or interests~~
42 ~~therein, whether or not located in the district, required for works of improvement~~; to maintain,
43 administer, and improve any properties acquired, to receive income from such properties, and to
44 expend such income in carrying out the purposes and provisions of this article; and to sell, lease,
45 or otherwise dispose of any of its property or interests therein in furtherance of the purposes and
46 the provisions of this article;

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

51 (7) To make available, on such terms as it shall prescribe, to land occupiers within the
52 district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings,
53 and such other material or equipment as will assist such land occupiers to carry on operations
54 upon their lands for the conservation of soil resources, and for the prevention and control of soil
55 erosion, and for ~~flood prevention~~ or the conservation, development, utilization, ~~water quality~~, and
56 ~~disposal~~ quality of water;

57 ~~(8) To construct, improve, operate, and maintain such structures as may be necessary or~~
58 ~~convenient for the performance of any of the operations authorized in this article;~~

59 ~~(9)~~ (8) To develop and submit to the state committee its proposed long-range program
60 and annual work plans related to the conservation of soil resources, and for the control and

61 prevention of soil erosion, and for ~~flood prevention and~~ water quality improvement, or the
62 conservation, development, and utilization, ~~and disposal~~ of water within the district. The plans
63 shall specify, in as much detail as may be possible, the acts, procedures, performances, and
64 avoidances which are necessary or desirable for the effectuation of such plans, including the
65 specification of engineering operations, methods of cultivation, the growing of vegetation,
66 cropping programs, tillage practices, and changes in use of land; and to publish such plans and
67 information and bring them to the attention of occupiers of lands within the district;

68 ~~(40)~~ (9) To take over, by purchase, lease, or otherwise, and to administer any soil-
69 conservation, ~~flood prevention,~~ drainage, irrigation, water-management, erosion-control or
70 erosion-prevention project, or combinations thereof, located within its boundaries, undertaken by
71 the United States or any of its agencies, or by this state or any of its agencies; to manage, as
72 agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-
73 conservation, ~~flood prevention,~~ drainage, irrigation, water-management, erosion-control or
74 erosion-prevention project, or combinations thereof, within its boundaries; to act as agent for the
75 United States or any of its agencies, or for this state or any of its agencies, in connection with the
76 acquisition, construction, operation, or administration of any soil-conservation, ~~flood prevention,~~
77 drainage, irrigation, water-management, erosion-control or erosion-prevention project, or
78 combinations thereof, within its boundaries; to accept donations, gifts, contributions, and grants
79 in money, services, materials, or otherwise, from the United States or any of its agencies, or from
80 this state or any of its agencies, or from any other source and to use or expend such money,
81 services, materials, or other contributions in carrying on its operations;

82 ~~(44)~~ (10) To sue and be sued in the name of the district; to have a seal, which shall be
83 judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to
84 make and execute contracts and other instruments, necessary or convenient to the exercise of
85 its powers; to make and, from time to time, amend and repeal rules and regulations not
86 inconsistent with this article to carry into effect its purposes and powers;

87 ~~(12)~~ (11) As a condition to extending any benefits under this article to, or the performance
88 of work upon any lands, the supervisors may require contributions in money, services, materials,
89 or otherwise to any operations conferring such benefits and may require land occupiers to enter
90 into and perform such agreements or covenants as to the permanent use of such lands as will
91 tend to prevent or control erosion ~~and prevent floodwater and sediment damage~~ thereon;

92 ~~(13)~~ (12) No provisions with respect to the acquisition, operation, or disposition of property
93 by other public bodies shall be applicable to a district organized hereunder in its acquisition,
94 operation, and disposition of property unless the Legislature shall specifically so state;

95 ~~(14)~~ To enter into contracts and other arrangements with agencies of the United States,
96 ~~with persons, firms, or corporations, including public and nonprofit corporations, with the state~~
97 ~~government of this state or other states, or any department or agency thereof, with governmental~~
98 ~~divisions, with soil conservation, drainage, flood control, soil erosion, or other improvement~~
99 ~~districts in this state or other states, for cooperation or assistance in constructing, improving,~~
100 ~~operating, or maintaining works of improvement within the district, or in preventing floods, or in~~
101 ~~conserving, developing, utilizing, and disposing of water in the district, or for making surveys,~~
102 ~~investigations, or reports thereof; and to obtain options upon and acquire property, real or~~
103 ~~personal, or rights or interests therein, in other districts or states required for flood prevention and~~
104 ~~water quality improvement, or the conservation, development, utilization, and disposal of water~~
105 ~~within the district and to construct, improve, operate, or maintain thereon or therewith works of~~
106 ~~improvement.~~

107 ~~(15)~~ (13) Each district shall, through public meetings, publications, or other means, keep
108 the public, agencies, and occupiers of the land within the district informed of the works and
109 activities planned and administered by the district, of the purposes these will serve, and of the
110 results achieved annually by the districts;

111 (14) By no later than July 1, 2026, each district shall convey and transfer all its ownership
112 and sponsorship interest in any flood control dams, channels, dikes, levees, and any existing

113 contracts or agreement related to those structures, and any property and easements associated
114 with those flood control dams, channels, dikes, and levees, to the West Virginia Conservation
115 Agency and thereafter may not take an ownership or sponsorship interest in, or operate or
116 maintain, any flood control dams, channels, dikes, or levees: *Provided*, That any alteration,
117 improvement, or agreement related to a dam owned or sponsored by the West Virginia
118 Conservation Agency is subject solely to the authority of the Department of Environmental
119 Protection, and as such shall fully consent as the owner or sponsor to any plan approved by the
120 Department of Environmental Protection;

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

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

1 The A county commission or the governing body of any ~~governmental division~~ which
2 municipality that may reasonably be expected to receive a benefit from the construction,
3 improvement, operation, or maintenance of any works of improvement may expend money for
4 such construction, improvement, operation, or maintenance if this expectation exists as to any
5 part of the ~~governmental division~~ county or municipality and even though such works of
6 improvement are not located within the corporate limits of the ~~governmental division~~ county or
7 municipality or are not within this state: *Provided*, That if the expenditure is not made directly by
8 the ~~governmental division~~ county commission or the governing body of the municipality for such
9 purpose, it shall be made only through a ~~conservation district or watershed improvement district~~
10 ~~organized under the laws of this state, but it shall not be necessary that any part of the~~

11 ~~governmental division be within the limits of the district through which the expenditure is made~~
12 the committee or the conservation agency. The governing bodies ~~or governmental divisions or~~
13 municipalities, or county commissions may set up in their respective budgets funds to be spent
14 for such purposes and municipalities and counties may levy and collect taxes for such purposes
15 in the manner provided by law: *Provided, however,* That in case sufficient funds cannot be raised
16 by ordinary levies, additional funds may be raised by municipalities and counties as provided by
17 §11-8-16 of this code.

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

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

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

17 (c) Any assurance hereunder may be valid and binding for a period of time not to exceed
18 ~~fifty~~ 50 years.

§19-21A-13. Contracts ~~with district~~ 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 ~~district or districts~~ committee or the conservation agency for the purpose of
4 constructing flood control projects within their respective counties or municipalities or adjacent
5 thereto and to use the projects as recreational areas or public parks. For the purpose of defraying
6 the cost of any such project or projects, the county commission or the governing body of any
7 municipality is hereby authorized to borrow from the federal government or from any federal
8 agency having money to loan, a sum sufficient to cover the cost of such project or projects. For
9 the purpose of retiring any indebtedness incurred under the provisions of this section,
10 notwithstanding any other provisions of law, the county commission or the governing body of any
11 municipality is hereby authorized to lay and impose a county or citywide levy as the case might
12 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 20. WOMEN'S COMMISSION.

§29-20-1. Membership; appointment and terms of members; organization; reimbursement for expenses.

1 [Repealed.]

§29-20-2. Powers and duties of commission.

1 [Repealed.]

§29-20-3. Commission administrative personnel.

1 [Repealed.]

§29-20-4. Power of commission to accept funds.

1 ~~The commission, or the Department of Human Services on behalf of the commission, may~~
2 ~~accept gifts, grants and bequests of funds from individuals, foundations, corporations, the federal~~
3 ~~government, governmental agencies and other organizations or institutions; make and sign any~~
4 ~~agreements and do and perform any acts that may be necessary to carry out the purposes of this~~
5 ~~article. As of June 30, 2026, any funds retained by the Women's Commission shall expire to the~~
6 ~~General Revenue Fund.~~

§29-20-5. Rules and regulations.

1 [Repealed.]

§29-20-6. Annual report.

1 [Repealed.]

**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) ~~"Board" means the technology-related assistance revolving loan fund for individuals~~
3 ~~with disabilities board.~~ "Division" means the Division of Rehabilitation Services, as created in §18-
4 10A-2 of this code.

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

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

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

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

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

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

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

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

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

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

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

37 (h) "Consumer" means individuals with disabilities and, when appropriate, their family
38 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 board division; loans.

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

2 ~~(1) Meet at such times (minimum of four times each fiscal year) and at places as it~~
3 ~~determines necessary or convenient to perform its duties. The board shall also meet on the call~~
4 ~~of the chairperson or Secretary of Commerce;~~

5 ~~(2) Maintain written minutes of its meetings;~~

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

9 (A) Guidelines, procedures, reporting requirements, accountability measures, and such
10 other criteria as the board deems appropriate and necessary to fulfill its governance responsibility
11 under this article if it elects to contract with a nonprofit, consumer-driven organization to carry out
12 the purposes of this article;

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

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

17 ~~(4) Employ personnel on a full-time, part-time or contracted basis. Board personnel may~~
18 ~~be members of the state civil service system. Participating agencies shall make staff support and~~
19 ~~resources available to the board whenever practicable at the discretion of the agencies. The~~
20 ~~compensation of personnel shall be paid from moneys in the revolving loan fund;~~

21 ~~(5)~~ (2) Receive, administer, and disburse funds to support purposes established by this
22 article and contract with nonprofit, consumer-based groups dealing with individuals with
23 disabilities to assist in administering programs established by this article;

24 ~~(6)~~ (3) Maintain detailed records of all expenditures of the ~~board~~ fund, funds received as
25 gifts and donations, and disbursements made from the revolving loan fund;

26 ~~(7)~~ (4) ~~Submit to the Secretary of the Department of Commerce and the Legislature~~
27 ~~annually~~ a summary report concerning programmatic and financial status of the revolving loan

28 fund, which report shall be included in the division's annual report, as required by §5-1-20(a) of
29 this code;

30 ~~(8)~~ (5) Develop and implement a comprehensive set of financial standards to ensure the
31 integrity and accountability of all funds received as well as loan funds disbursed; and

32 ~~(9)~~ (6) Conform to the standards and requirements prescribed by the State Auditor.

33 (b) Subject to available funds, the ~~board~~ division shall enter into loan agreements with any
34 qualifying borrower, who demonstrates that:

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

37 (2) The applicant has the ability to repay the loan. Any necessary loan limitation shall be
38 determined by the ~~board~~ division. All loans must be repaid within such terms and at such interest
39 rates as the ~~board~~ division may determine to be appropriate: Provided, That no loan may extend
40 beyond sixty months from date of award and may be paid off anytime without prepayment penalty.
41 The ~~board~~ division shall determine the interest rate to be charged on loans made pursuant to this
42 article, but in no event may the interest rate on any such loans be less than four or more than
43 ~~twenty-one~~ 21 percent per annum.

44 (c) The ~~board~~ division may authorize loans up to ~~ninety~~ 90 percent of the cost of an item
45 or items.

46 (d) The ~~board~~ division may award loans to qualifying borrowers for purposes, including,
47 but not limited to, the following:

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

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

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

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

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

63 (h) The ~~board~~ division may accept federal funds granted by Congress or executive order
64 for the purposes of this chapter as well as gifts and donations from individuals, private
65 organizations, or foundations. The acceptance and use of federal funds does not commit state
66 funds and does not place an obligation upon the Legislature to continue the purposes for which
67 the federal funds are made available. All funds received in the manner described in this article
68 shall be deposited in the revolving loan fund to be disbursed as other moneys in the revolving
69 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~~ state Treasury to be expended by the ~~board~~ division in accordance
3 with the provisions of and for the purposes of this article. Upon the effective date of this section,
4 any funds remaining in the technology-related assistance revolving loan fund for individuals with
5 disabilities created by ~~chapter two hundred forty seven~~ §247-1-1 et seq. of this code, acts of the
6 Legislature, regular session, ~~one thousand nine hundred ninety-six~~ 1996, which is hereby
7 abolished, shall be deposited into the fund created by this section. Nothing contained herein may
8 be construed to require any level of funding by the Legislature.

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

1 The ~~board~~ 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 ~~board~~ 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 ~~board~~ 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 ~~ten~~ 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.]