

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5364**

By Delegate Hanshaw (Mr. Speaker)

(By Request of the Executive)

[Originating in the Committee on Government  
Organization; Reported on February 27, 2026]

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12 reforms to numerous unnecessary, expired, overly-large, or outdated boards and  
13 commissions; shifting several tasks, duties, responsibilities, or funds of these outdated or  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

27 Enhancement Board; removing language referencing the repealed West Virginia Appraisal  
28 Control and Review Commission; repealing the Interagency Council on Osteoporosis;  
29 repealing the West Virginia Council on Aging; repealing the Interagency Council on  
30 Arthritis; repealing the Workgroup to Study Adverse Childhood Experiences; repealing the  
31 Hearing Impairment Testing Advisory Committee; repealing the Working Group on  
32 Hospice Services in West Virginia; eliminating the Advisory Committee on State Health  
33 Care Rules but keeping the authority of the Secretary of the Department of Human  
34 Services to promulgate legislative rules; repealing the Breast and Cervical Cancer  
35 Detection and Education Program Coalition; repealing the Advisory Committee on  
36 Needlestick Injury Prevention Rules but keeping the authority of the Commissioner of the  
37 Bureau of Public Health to promulgate legislative rules; repealing the Advisory Council on  
38 Statewide Birth Defects Information System; repealing the State Advisory Coalition on  
39 Palliative Care Work Group; repealing the Taskforce on Infrastructure Deployment  
40 Clearinghouse; eliminating the Complete Streets Advisory Board but keeping the  
41 Complete Streets Program under the authority of the Division of Highways; repealing the  
42 Employment First Taskforce; repealing the Carbon Dioxide Sequestration Pilot Program  
43 and Working Group; repealing the Commission to Implement NG911 in West Virginia;  
44 eliminating the Technology-Related Assistance Revolving Loan Fund for Individuals with  
45 Disabilities Board and shifting its powers and duties to the Division of Rehabilitation  
46 Services; repealing the Trusts for Children with Autism and the West Virginia Children with  
47 Autism Trust Board but allowing qualifying trust established on or prior to December 31,  
48 2026 to continue with the same qualifications; repealing the Juvenile Justice Reform  
49 Oversight Commission; modifying or eliminating various reports of affected boards and  
50 commission; and general cleanup and technical changes in affected sections.

*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 the  
3 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 of  
10 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 those.~~ However, lands for which title is specifically vested by law  
14 in other state agencies, institutions and departments shall continue to be vested in such state  
15 agencies, institutions and departments.

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

17 (3) All other public lands managed or acquired by the Division of Natural Resources  
18 pursuant to Chapter 20 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 appropriated, 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 in~~  
30 ~~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 that~~  
9 ~~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 to~~  
16 ~~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 or~~  
44 ~~other agencies as provided by law;~~

45 ~~(10) Make proper lands available for the purpose of cooperating with the government of the~~  
46 ~~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 acquire~~  
50 ~~public lands from use of the payments made to the fund, along with any interest accruing to the~~  
51 ~~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 article~~  
62 ~~six, chapter fifteen 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 committees of the Legislature on  
71           the financial condition of the special fund. ~~The corporation~~ Division of Natural Resources shall  
72           report annually to the Legislature on its public land holdings and all its leases, its financial  
73           condition and its operations and shall make such recommendations to the Legislature concerning  
74           the acquisition, leasing, development, disposition and use of public lands. The annual reports  
75           required by this subdivision do not have to be submitted as stand-alone reports, and may be  
76           incorporated into any other report obligated by the Division of Natural Resources, which is due  
77           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 or~~  
6 ~~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, as~~

11 ~~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) 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 a  
17 court of competent jurisdiction, in the performance of functions which have been transferred to the  
18 ~~Real Estate Division of the Department of Administration~~ Division of Natural Resources and were  
19 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 of~~  
27 ~~Administration~~ and the transfer of the public property to the Division of Natural Resources. Orders  
28 issued in any proceedings continue in effect until modified, terminated, superseded or revoked by  
29 the Governor, the ~~Secretary of Administration~~ Director of the Division of Natural Resources, by a  
30 court of competent jurisdiction or by operation of law. Nothing in this subdivision prohibits the  
31 discontinuance or modification of any proceeding under the same terms and conditions and to the  
32 same extent that a proceeding could have been discontinued or modified if the Public Land  
33 Corporation had not been transferred to the ~~Real Estate Division of the Department of~~  
34 ~~Administration~~ eliminated. Transfer of the public property formerly vested with the Public Land  
35 Corporation does not affect suits commenced prior to the effective date of the transfer and all such  
36 suits and proceedings shall be had, appeals taken and judgments rendered in the same manner

37 and with like effect as if the transfer had not occurred, except that the ~~Secretary of the Department~~  
38 ~~of Administration~~ Director of the Division of Natural Resources or other officer may, in an  
39 appropriate case, be substituted or added as a party.

## CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

### ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

#### §5B-2-17. Promotion of West Virginia Motorsports Committee.

- 1 ~~(a) The West Virginia Motorsport Committee is hereby created.~~
- 2 ~~(b) The committee consists of 17 members, including its chairperson, appointed by the~~  
3 ~~Governor to serve at his or her will and pleasure. The committee members shall represent:~~
- 4 ~~(1) Asphalt oval racing;~~
- 5 ~~(2) Dirt drag racing;~~
- 6 ~~(3) Dirt oval racing;~~
- 7 ~~(4) Drag racing;~~
- 8 ~~(5) Drift racing;~~
- 9 ~~(6) Hill climb racing;~~
- 10 ~~(7) Karting racing;~~
- 11 ~~(8) Motor cross racing;~~
- 12 ~~(9) Motorcycle road course racing;~~
- 13 ~~(10) Mud racing;~~
- 14 ~~(11) Off-road racing;~~
- 15 ~~(12) Rallying racing;~~
- 16 ~~(13) Rallycross racing;~~
- 17 ~~(14) Road course racing;~~
- 18 ~~(15) Time Trials racing; and~~
- 19 ~~(16) Truck/Tractor pulls.~~

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

22 ~~(d) The committee shall:~~

23 ~~The Tourism Advisory Council shall:~~

24 ~~(1) Work with the existing facilities within the state to enhance existing motorsport racing;~~

25 ~~(2) Develop a strategy that creates further opportunities, such as encouraging racing~~  
26 ~~training schools, conducting special events, and encouraging special events and the construction~~  
27 ~~of larger in-state racing facilities; and~~

28 ~~(3) Seek opportunities to promote economic growth and manufacturing jobs related to~~  
29 ~~motorsports.~~

30 ~~(e) The committee shall hold regular meetings, at least quarterly, and conduct public~~  
31 ~~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 her~~  
8 ~~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 ~~(e) 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 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 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~~ eleven members:

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

5 ~~(2) The Secretary of the Department~~ Director of the Division of Economic Development or  
6 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 of~~  
13 ~~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 are  
40 available from funds of the authority or from the appropriations.

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

**ARTICLE 9. FLATWATER TRAIL PROMOTIONCOMMISSION.**

**§5B-9-1. Promoting Flatwater TrailsCommission; ~~members, appointment, and expenses.~~**

1 (a) ~~The Flatwater Trail Commission is hereby created as an independent body corporate. It~~  
2 ~~shall be a commission advisory to the secretary and to the Department of Commerce.~~

3 (b) ~~The Flatwater Trail Commission shall consist of five members, who shall be residents~~  
4 ~~and citizens of the state. The commission members shall be appointed by the Governor, by and~~  
5 ~~with the advice and consent of the Senate. Throughout the operation of the commission, at least~~  
6 ~~two of the members shall have knowledge of and experience with nonmotorized watercraft~~  
7 ~~recreation, and at least two members shall have knowledge of and experience with motorized~~  
8 ~~watercraft recreation. Each member shall serve a term of five years. Of the members first~~  
9 ~~appointed, two shall be appointed for a term ending December 31, 2021, and one each for terms~~  
10 ~~ending one, two, and three years thereafter. Commission members may be reappointed to~~  
11 ~~additional terms.~~

12 (c) ~~The chair of the Flatwater Trail Commission shall be appointed by the Governor from~~  
13 ~~members then serving on the commission and serves at the will and pleasure of the Governor.~~

14 (d) It is the duty of the ~~commission~~ Tourism Advisory Council:

15 (1) To unify and coordinate efforts to develop and establish successful flatwater trails in this  
16 state;

17 (2) To standardize procedures, programs, research, and support for the development and  
18 establishment of flatwater trails;

19 (3) To disseminate information for the purpose of educating the public as to the existence  
20 and functions of the commission and as to the availability of state, federal, and nongovernmental  
21 resources and support for the development and establishment of flatwater trails; and

22 (4) To advise, consult, and cooperate with other offices of the Department of Commerce  
23 and other agencies of state government, and to receive assistance therefrom in the development

24 of activities and programs of beneficial interest to water recreation and flatwater trails.

25 ~~(e) The Department of Commerce shall assist the commission its functions and operations,~~  
26 ~~including, but not limited to, providing administrative, clerical, and technical support, publishing~~  
27 ~~materials developed by the commission, and preparation of proposed legislation to further the~~  
28 ~~purposes of the commission.~~

29 ~~(f) Members of the Flatwater Trail Commission are not entitled to compensation for~~  
30 ~~services performed as members. Each member is entitled to reimbursement for reasonable~~  
31 ~~expenses incurred in the discharge of their official duties. All expenses incurred by members shall~~  
32 ~~be paid in a manner consistent with guidelines of the Travel Management Office of the Department~~  
33 ~~of Administration and are payable solely from the funds of the Department of Commerce or from~~  
34 ~~funds appropriated for that purpose by the Legislature. Liability or obligation is not incurred by the~~  
35 ~~commission beyond the extent to which moneys are available from funds of the authority or from~~  
36 ~~the appropriations.~~

37 ~~(g) Members shall meet at least quarterly as designated and scheduled by the chair. The~~  
38 ~~presence of three members, in person or by real time electronic communication, constitutes a~~  
39 ~~quorum to conduct business at a meeting.~~

## 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 section twelve of this article, a modification reducing federal adjusted gross income is  
3 hereby authorized in the amount of any qualifying contribution to a qualified trust maintained for  
4 the benefit of a child with autism by the parent or guardian of a child with autism, up to a maximum  
5 of \$1,000 per year for individual filers and persons who are married but filing separately, and  
6 \$2,000 per year for persons who are married and filing jointly, but only to the extent the amount is  
7 not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the  
8 taxable year in which the payment is made. This modification is available regardless of the type of  
9 return form filed. The taxpayer may elect to carry forward the modification over a period not to  
10 exceed four tax years, beginning in the tax year in which the payment was made: *Provided,* That  
11 the amount of the decreasing modification, in combination with all other decreasing modifications  
12 authorized pursuant to this article, shall in no event reduce taxable income below zero. Any  
13 unused decreasing modification carryforward amount remaining after the four-year carryforward  
14 period is forfeited. The accrued deposits and earnings on the qualified trust account for a child with  
15 autism and the subsequent withdrawal of funds from that trust account, made in accordance with  
16 the provisions of article sixteen, chapter forty-four of this code, shall not be treated as taxable

17 income to either the trust or the beneficiary. The provisions of this section are effective for taxable  
18 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 section one, article sixteen, chapter  
21 forty-four of this code.

22 (2) "Child with autism" means "child with autism" as that term is defined in section one,  
23 article sixteen, chapter forty-four of this code.

24 (3) "Guardian" means "guardian" as that term is defined in section one, article sixteen,  
25 chapter forty-four of this code.

26 (4) "Parent" means a "parent" as that term is defined in section one, article sixteen, chapter  
27 forty-four of this code.

28 (5) "Qualified trust for a child with autism" means "qualified trust for a child with autism" as  
29 that term is defined in section one, article sixteen, chapter forty-four of this code.

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

41 (d) Married parents who qualify for the modification provided under this section and who  
42 file separate state tax returns shall each receive the modification provided in this section in an

43 amount equal to the amount of contributions made by the parents into the trusts, not to exceed  
44 \$1,000 each.

45 (e) Joint guardians who qualify for the modification provided under this section and who file  
46 separate state tax returns shall each receive the modification provided in this section, in an  
47 amount equal to the amount of contributions made by the guardians into the trust, not to exceed  
48 \$1,000 each.

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

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

61 (h) The provisions of this section shall sunset, expire, and be of no force and effect for all  
62 tax periods beginning on and after January 1, 2027: *Provided*, That qualifying contributions to  
63 qualified trusts made on or prior to December 31, 2026, by fulfillment of the requirements of §44-  
64 16-2 of this code shall qualify for the decreasing modification and carryforward provisions  
65 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 elderly,  
13 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.~~



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

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

1 [Repealed.]

**ARTICLE 29B. HEALTH CARE AUTHORITY.**

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

1 [Repealed.]

**ARTICLE 29D. STATE HEALTH CARE.**

**§16-29D-7. Rules.**

1 The secretary of the Department of Human Services shall promulgate rules to carry out the  
2 provisions of this article. ~~The Governor shall establish an advisory committee consisting of at least~~  
3 ~~five individuals representing: An administrator of a small rural hospital; an administrator of a~~  
4 ~~hospital having a disproportionate share of Medicaid or charity care; a registered professional~~  
5 ~~nurse; a physician licensed in this state; and beneficiaries of the plan or plans. The majority of this~~  
6 ~~advisory committee shall consist of health care providers. The purpose of the advisory committee~~  
7 ~~is to advise and assist in the establishment of reasonable payment methods, schedule or~~  
8 ~~schedules and rates. The advisory committee shall serve without compensation; however, the~~  
9 ~~members thereof are entitled to reimbursement of their expenses. The policies and procedures of~~  
10 ~~the rate schedule process setting forth the methodology for determination of rates, payments and~~  
11 ~~schedules are subject to the legislative rule-making procedures of chapter twenty-nine-a Chapter~~  
12 ~~29A of this code: *Provided*, That emergency rules may be utilized: *Provided, however*, That the~~  
13 ~~actual rates, payments and schedules themselves shall not be subject to chapter twenty-nine-a of~~  
14 ~~this code~~ The secretary of the Department of Human Services may utilize emergency rules. The  
15 actual rates, payments, and schedules themselves shall not be subject to Chapter 29A of this  
16 code, and may be instituted 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 article five-b of this  
7 chapter; every nursing home licensed under the provisions of article five-c of this chapter; every  
8 local health department, every home health agency certified by the office of health facility licensure  
9 and certification, all hospitals and nursing homes operated by the state or any agency of the state  
10 and all hospitals, nursing homes, local health departments and home health agencies which are  
11 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 of  
14 body fluids after initial venous or arterial access is established, the administration of medication or  
15 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 to,  
21 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 Chapter  
9 29A of this code. The rules shall 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 mechanisms
- 33 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 the~~  
8 annual report the commissioner submits pursuant to §5-1-20(a) of this code.

<b>ARTICLE</b>	<b>61.</b>	<b>PALLIATIVE</b>	<b>CARE.</b>
<b>§16-61-1.</b>	<b>Purpose</b>	<b>and</b>	<b>findings.</b>

1 [Repealed.]

**§16-61-2. Definitions.**

1 [Repealed.]

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

1 [Repealed.]

## **CHAPTER 17. ROADS AND HIGHWAYS.**

### **ARTICLE 2E. DIG ONCE POLICY.**

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

1 [Repealed.]

### **ARTICLE 4A. COMPLETE STREETS ACT.**

**§17-4A-1. Complete Streets.**

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

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

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

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

15 limited to, the latest editions of:

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

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

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

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

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

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

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

30 (f) The Division of Highways is encouraged to modify its procedures, documents, training  
31 systems and performance measures in a timely manner to ensure the needs of all users of the  
32 transportation system are included in all phases of the projects. The Division of Highways is  
33 encouraged to create an implementation plan, including a schedule and a regional and local  
34 government and public outreach plan, ~~in consultation with the advisory board as outlined in section~~  
35 ~~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 any  
3 state, county or local transportation facilities receiving funds from the Division of Highways if the  
4 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 the~~  
39 ~~remainder of the unexpired term. Members of the board may succeed themselves and shall serve~~  
40 ~~without compensation. The members appointed by the Governor are entitled to be reimbursed in a~~  
41 ~~manner consistent with the guidelines of the Travel Management Office of the Department of~~  
42 ~~Administration for actual and necessary mileage expenses incurred while attending official~~  
43 ~~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 of~~  
46 ~~implementation of section one of this article.~~

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

48 ~~In its annual report submitted pursuant to §5-1-20(a) of this code, the Division of Highways~~  
49 ~~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 22. ENVIRONMENTAL RESOURCES.**

**ARTICLE 11A. CARBON DIOXIDE SEQUESTRATION PILOT PROGRAM.**

**§22-11A-1. Legislative findings.**

1 [Repealed.]

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

1 [Repealed.]

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

1 [Repealed.]

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

1 [Repealed.]

**CHAPTER 24. PUBLIC SERVICE COMMISSION.**

**ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.**

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

1 [Repealed.]

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

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

**§29-24-2. Terms defined.**

1 As used in this article, the term:

2 (a) ~~"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 percent of all loan funds are to be provided to nonprofit entities in a  
15 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 a  
23 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 of~~  
4 ~~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: (A) Guidelines, procedures, reporting requirements, accountability measures and such~~  
9 ~~other criteria as the board deems appropriate and necessary to fulfill its governance responsibility~~  
10 ~~under this article if it elects to contract with a nonprofit, consumer-driven organization to carry out~~  
11 ~~the purposes of this article; (B) an appeals process with regard to the administration of the fund;~~  
12 ~~and (C) rules governing the operation of the fund, including, but not limited to, eligibility of receipt~~  
13 ~~of funds and all other matters consistent with and necessary to accomplishing the purpose of this~~  
14 ~~fund;~~

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

19           ~~(5) (2) Receive, administer and disburse funds to support purposes established by this~~  
20 ~~article and contract with nonprofit, consumer-based groups dealing with individuals with~~  
21 ~~disabilities to assist in administering programs established by this article;~~

22           ~~(6) (3) Maintain detailed records of all expenditures of the board fund, funds received as~~  
23 ~~gifts and donations and disbursements made from the revolving loan fund;~~

24           ~~(7) (4) Submit to the Secretary of the Department of Commerce and the Legislature~~  
25 ~~annually a summary report concerning programmatic and financial status of the revolving loan~~  
26 ~~fund, which report shall be included in the Division's annual report, as required by §5-1-20(a) of~~  
27 ~~this code;~~

28           ~~(8)~~ (5) Develop and implement a comprehensive set of financial standards to ensure the  
29 integrity and accountability of all funds received as well as loan funds disbursed; and

30           ~~(9)~~ (6) Conform to the standards and requirements prescribed by the State Auditor.

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

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

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

42           (c) The ~~board~~ Division may authorize loans up to ~~ninety~~ 90 percent of the cost of an item or  
43 items.

44           (d) The ~~board~~ Division may award loans to qualifying borrowers for purposes, including,  
45 but not limited to, the following:

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

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

51           (e) If there is a failure of the borrower to repay the loan balance due and owing, the ~~board~~  
52 Division shall seek to recover the loan balance by such legal or administrative action available to it.  
53 Persons or representatives of persons who default on a loan are not eligible for a new loan. The

54 ~~board~~ Division shall retain ownership of all property, equipment, or devices until the borrower's  
55 loan is paid in full.

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

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

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

**§29-24-7. Fund created.**

1 The technology-related assistance revolving loan fund for individuals with disabilities is  
2 hereby created in the State Treasury to be expended by the ~~board~~ Division in accordance with the  
3 provisions of and for the purposes of this article. Upon the effective date of this section, any funds  
4 remaining in the technology-related assistance revolving loan fund for individuals with disabilities  
5 created by ~~chapter two hundred forty-seven~~ Chapter 247, acts of the Legislature, regular session,  
6 ~~one thousand nine hundred ninety-six~~ 1996, which is hereby abolished, shall be deposited into the  
7 fund created by this section. Nothing contained herein may be construed to require any level of  
8 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.]

NOTE: The purpose of this bill is reform of state board and commissions system by eliminating unnecessary, expired, or outdated board, shifting essential functions of several boards or commissions to various agencies or entities, reducing the number of members on several continuing boards and commissions, modifying or eliminating several reports of various boards or commissions, and technical cleanup throughout.

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