
SELECTED STATUTORY CHANGES
ENACTED DURING THE
2023 REGULAR SESSION
OF THE WEST VIRGINIA LEGISLATURE

PRESENTATION TO THE
WEST VIRGINIA STATE BAR

MARCH 27, 2023

Charles S. Trump, IV
Chairman of the Committee on the Judiciary
West Virginia Senate

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TABLE OF CONTENTS

1. List of all bills with completed legislative action.....	1
2. Senate Bill 151	36
3. Senate Bill 187	43
4. Senate Bill 244	47
5. Senate Bill 241	49
6. Senate Bill 273	52
7. Senate Bill 490	53
8. House Bill 2218	56
9. House Bill 2221	63
10. House Bill 2509	68
11. House Bill 3018	73
12. House Bill 3270	76
13. Senate Bill 220	88
14. Senate Bill 573	89
15. Senate Bill 534	91
16. House Bill 2006	93
17. House Bill 3332	95

Completed Legislation

333 Bills (203 House Bills, 130 Senate Bills)

Bill	Title	Status	Effective Date
<u>SB 4</u>	Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction	Approved by Governor 2/17/2023 - House Journal	Effective Ninety Days from Passage - (May 8, 2023)
<u>SB 10</u>	Campus Self-Defense Act	Approved by Governor 3/1/2023 - House Journal	Effective from passage - (February 21, 2023)
<u>SB 47</u>	Creating Charter Schools Stimulus Fund	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 51</u>	Requiring impact statement in certain instances of school closing or consolidation	To Governor 3/10/2023	Completed Legislation awaiting Governor's signature
<u>SB 83</u>	Authorizing tactical medical professionals to carry firearms	Approved by Governor 2/9/2023 - House Journal	Effective Ninety Days from Passage - (May 3, 2023)
<u>SB 89</u>	Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams	Approved by Governor 3/1/2023 - House Journal	Effective Ninety Days from Passage - (May 22, 2023)
<u>SB 99</u>	Relating to meetings among county boards of education	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 121</u>	Creating Student Journalist Press Freedom Protection Act	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 128</u>	Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness	Became law without Governor's signature- House Journal	Effective from passage - (February 23, 2023)



<u>SB</u> <u>131</u>	Allowing municipal fire marshals to receive service weapon upon retirement	To Governor 3/8/2023	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>132</u>	Clarifying criminal offense of harassment	Approved by Governor 2/6/2023 - House Journal	Effective Ninety Days from Passage - (May 2, 2023)
<u>SB</u> <u>136</u>	Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation	Approved by Governor 3/11/2023 - House Journal	Effective Ninety Days from Passage - (May 31, 2023)
<u>SB</u> <u>142</u>	Modifying procedures to settle estates of decedents	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>143</u>	Relating to Adopt-A-Stream Program	Approved by Governor 2/6/2023 - House Journal	Effective Ninety Days from Passage - (April 30, 2023)
<u>SB</u> <u>146</u>	Modifying regulations of peer-to-peer car sharing program	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>149</u>	Exempting certain organizations from property taxation	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>151</u>	Levying tax on pass-through entity's income	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>161</u>	Authorizing DNR to manage and dispose of property	Approved by Governor 1/24/2023 - House Journal	Effective from passage - (January 20, 2023)
<u>SB</u> <u>162</u>	Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration	Approved by Governor 1/24/2023 - Senate Journal	Effective from passage - (January 20, 2023)

<u>SB 187</u>	Making it felony offense for school employee or volunteer to engage in sexual contact with students	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 188</u>	Grid Stabilization and Security Act of 2023	To Governor 3/8/2023	Completed Legislation awaiting Governor's signature
<u>SB 191</u>	Relating to liability for payment of court costs as condition of pretrial diversion agreement	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 200</u>	Allowing leashed dogs to track wounded elk, turkey, and wild boar when hunting	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 205</u>	Relating to registration plates	To Governor 3/10/2023	Completed Legislation awaiting Governor's signature
<u>SB 207</u>	Relating to state allocation of funding to regional councils	Approved by Governor 2/9/2023 - House Journal	Effective Ninety Days from Passage - (May 2, 2023)
<u>SB 208</u>	Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders	Approved by Governor 3/11/2023 - House Journal	Effective Ninety Days from Passage - (May 31, 2023)
<u>SB 220</u>	Industrial Hemp Development Act	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 231</u>	Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development	Approved by Governor 2/6/2023 - House Journal	Effective from passage - (January 27, 2023)
<u>SB 232</u>	Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting

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			Governor's signature
<u>SB 237</u>	Relating to Public Employees Retirement System and State Teachers Retirement System	Approved by Governor 3/13/2023 - House Journal	Effective July 1, 2023
<u>SB 239</u>	Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic	Approved by Governor 2/24/2023 - Senate Journal	Effective Ninety Days from Passage - (May 16, 2023)
<u>SB 240</u>	Requiring state board of examination or registration proceedings to be open to public inspection	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 241</u>	Patient Brokering Act	Approved by Governor 2/17/2023 - Senate Journal	Effective from passage - (February 9, 2023)
<u>SB 244</u>	Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 246</u>	Revising membership of Broadband Enhancement Council	To Governor 3/8/2023	Completed Legislation awaiting Governor's signature
<u>SB 247</u>	Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 258</u>	Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 267</u>	Updating law regarding prior authorizations	To Governor 3/10/2023	Completed Legislation awaiting Governor's signature

<u>SB</u> <u>268</u>	Relating to PEIA	Approved by Governor 3/17/2023 - House Journal	Effective from passage - (March 6, 2023)
<u>SB</u> <u>270</u>	Adding exemption to permit requirement for cremation	Approved by Governor 3/11/2023 - House Journal	Effective Ninety Days from Passage - (May 31, 2023)
<u>SB</u> <u>271</u>	Modifying approval process requirements for First Responders Honor Board	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>273</u>	Relating to allocation of child protective workers in counties based upon population of county	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>275</u>	Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements	Approved by Governor 2/24/2023 - Senate Journal	Effective Ninety Days from Passage - (May 18, 2023)
<u>SB</u> <u>276</u>	Awarding service weapon of retiring State Fire Marshal	Approved by Governor 3/11/2023 - House Journal	Effective from passage - (March 2, 2023)
<u>SB</u> <u>294</u>	Clarifying amount of deputy sheriff annual salary increase	Approved by Governor 3/15/2023 - House Journal	Effective Ninety Days from Passage - (June 7, 2023)
<u>SB</u> <u>298</u>	Relating to non-federally declared emergencies and non-states of emergency	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>300</u>	Relating to law-enforcement training and certification	Approved by Governor 3/11/2023 - House Journal	Effective Ninety Days from Passage - (May 31, 2023)
<u>SB</u> <u>302</u>	Relating to Law Enforcement Safety Act	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature

<u>SB</u> <u>335</u>	Authorizing Department of Homeland Security to promulgate legislative rules	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>345</u>	Authorizing Department of Revenue to promulgate legislative rules	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>356</u>	Authorizing DOT to promulgate legislative rules	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>361</u>	Authorizing miscellaneous boards and agencies to promulgate legislative rules	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>409</u>	Authorizing Department of Commerce to promulgate legislative rules	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>422</u>	Requiring public schools to publish curriculum online at beginning of each new school year	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>423</u>	Increasing salary for certain state employees	Approved by Governor 3/17/2023 - House Journal	Effective July 1, 2023
<u>SB</u> <u>430</u>	Relating to State Treasurer's authority to contract with financial institutions for banking goods and services	To Governor 3/8/2023	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>439</u>	Establishing design-build program for DEP	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature



<u>SB</u> <u>443</u>	Directing payment of estate administration fee to State Auditor	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>444</u>	Transferring moneys in WV Future Fund to General Revenue Fund	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>446</u>	Removing methanol and methanol fuel from definition of special fuel	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>449</u>	Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>450</u>	Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>451</u>	Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>452</u>	Relating to Emergency Medical Services Retirement System	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>453</u>	Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>455</u>	Modifying certain used car restrictions	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature

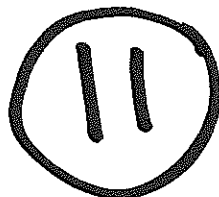
<u>SB</u> <u>457</u>	Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>458</u>	Setting rate of interest on delinquent retirement contribution submissions	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>461</u>	Relating to WV public employees grievance procedure	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>463</u>	Increasing validity of CDL instruction permit	To Governor 3/10/2023	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>465</u>	Increasing limit on moneys placed in county's rainy day fund	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>468</u>	Continuing Cabwaylingo State Forest Trail System	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>469</u>	Providing funding for CPR instruction to high school students	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>475</u>	Modifying examinations for disability pensions	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>476</u>	Exempting managed care contracts from purchasing requirements	To Governor 3/10/2023	Completed Legislation awaiting Governor's signature

<u>SB</u> <u>478</u>	Relating to Jumpstart Savings Program	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>481</u>	Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program	Approved by Governor 3/11/2023 - House Journal	Effective Ninety Days from Passage - (May 31, 2023)
<u>SB</u> <u>487</u>	Extending additional modification reducing federal adjusted gross income	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>488</u>	Aligning state and federal accreditation rules	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>490</u>	Patrol Officer Cassie Marie Johnson Memorial Act	Approved by Governor 3/13/2023 - House Journal	Effective Ninety Days from Passage - (June 4, 2023)
<u>SB</u> <u>495</u>	Providing correctional institutions and juvenile facilities video and audio records be confidential	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>508</u>	Clarifying reporting and disclosure requirements for grassroots lobbying expenditures	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>510</u>	Supplementing and amending appropriations to BOE, Department of Education	Approved by Governor 3/16/2023 - House Journal	Effective from passage - (March 3, 2023)
<u>SB</u> <u>516</u>	Relating to requirements for disclosure of donor contributions	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>522</u>	Allocating percentage of county excise taxes for funding improvements to election administration	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting

			Governor's signature
<u>SB 523</u>	Clarifying purpose and use of Economic Development Project Fund	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 526</u>	Including Alzheimer's disease in existing public health programs	To Governor 3/8/2023	Completed Legislation awaiting Governor's signature
<u>SB 527</u>	Allowing family members of military personnel access to discharge records	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 529</u>	Allowing businesses to register as limited liability limited partnerships	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 533</u>	Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 534</u>	Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 543</u>	Authorizing rule-making changes to terms, procedures and reporting duties in higher education	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 544</u>	Increasing power purchase agreement cap	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 546</u>	Adding and removing certain compounds from controlled substance list	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting

10

			Governor's signature
<u>SB 548</u>	Clarifying what parties can redeem delinquent property and limiting those entitled to bid	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 552</u>	Relating to abortion	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 553</u>	Allowing for evaluation of prequalified bidders to be based on best value	Approved by Governor 3/11/2023 - House Journal	Effective Ninety Days from Passage - (June 1, 2023)
<u>SB 558</u>	Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 561</u>	Relating to administration of WV Drinking Water Treatment Revolving Fund Act	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 568</u>	Relating to Dangerousness Assessment Advisory Board	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 573</u>	Relating to child support guidelines and Support Enforcement Commission	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 577</u>	Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 579</u>	Providing payment to vendors who provided services to state	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting



			Governor's signature
<u>SB 591</u>	Allowing counties and municipalities to jointly undertake development projects	Approved by Governor 3/8/2023 - House Journal	Effective Ninety Days from Passage - (June 2, 2023)
<u>SB 594</u>	Specifying fairness in cost sharing calculations for certain high deductible health plans	To Governor 3/8/2023	Completed Legislation awaiting Governor's signature
<u>SB 597</u>	Allowing Workforce WV to hire classified service exempt employees	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 605</u>	Requiring state medical examiner to enter into contracts with procurement organization	To Governor 3/9/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 608</u>	Correcting list of items which are considered deadly weapons	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 609</u>	Obtaining approval for decommissioning or deconstructing of existing power plant	Approved by Governor 3/7/2023 - House Journal	Effective from passage - (March 6, 2023)
<u>SB 613</u>	Relating generally to certificates of need	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB 617</u>	Relating to Intellectual and Development Disabilities Waiver Program Workforce Study	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB 625</u>	Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature

<u>SB</u> <u>631</u>	Updating administration, funding, and requirements for federal elections held in WV	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>633</u>	Requiring prompt appearances for persons detained on capiases	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>647</u>	Relating to substantiation of abuse and neglect allegations	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>649</u>	Authorizing Berkeley County Council to change its name to Berkeley County Commission	To Governor 3/16/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>661</u>	Clarifying preferential recall rights for employees sustaining compensable injury	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>665</u>	Amending licensure requirements for massage therapist	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>667</u>	Requiring periodic performance audits of WV Secondary School Activities Commission	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>674</u>	Providing statutory recognition and appointment of board members for WV First Foundation	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>677</u>	Clarifying role and responsibilities of State Resiliency Officer	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature

<u>SB</u> <u>678</u>	Adding appropriations to DHHR, Division of Human Services	Approved by Governor 3/16/2023 - House Journal	Effective from passage - (March 10, 2023)
<u>SB</u> <u>679</u>	Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes	Approved by Governor 3/9/2023 - House Journal	Effective from passage - (March 6, 2023)
<u>SB</u> <u>688</u>	Allowing BOE to hire retired teachers to assist with tutoring	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>730</u>	Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability	To Governor 3/13/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>733</u>	Relating to wildlife licenses and stamps	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>734</u>	Requiring adoption of cloud computing services by state agencies	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>735</u>	Clarifying department responsible for administration of certain programs	To Governor 3/17/2023 - House Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>737</u>	Emergency Medical Services Act	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>SB</u> <u>740</u>	Relating to compensation and expense reimbursement for members of Legislature	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2002</u>	Relating to providing support for families	House Message received	Completed Legislation

			awaiting Governor's signature
<u>HB 2004</u>	Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 2005</u>	Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 2006</u>	Relating to reorganizing the Department of Health and Human Resources	Approved by Governor 3/4/2023	Effective Ninety Days from Passage - (May 23, 2023)
<u>HB 2007</u>	Prohibiting certain medical practices	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 2008</u>	Requiring local entities to enforce immigration laws	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 2016</u>	Relating to confidential childcare records	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 2018</u>	Permitting the managed care case coordinator to attend the multidisciplinary team meeting	Approved by Governor 2/13/2023 - House Journal	Effective from passage - (February 1, 2023)
<u>HB 2024</u>	Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 2026</u>	Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time	Completed legislative action	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>2029</u>	Repealing the creation of an all-payer claims database	Approved by Governor 2/13/2023	Effective from passage - (February 1, 2023)
<u>HB</u> <u>2062</u>	Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law	Approved by Governor 3/8/2023 - House Journal	Effective Ninety Days from Passage - (May 28, 2023)
<u>HB</u> <u>2218</u>	Distracted Driving Act	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2221</u>	Relating to bankruptcy	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2283</u>	Relating to authorized expenditures of revenues from certain state funds for fire departments	House received Senate message	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2309</u>	To require the Division of Forestry to create an online renewal process no later than July 1, 2023	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2310</u>	Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2346</u>	Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2380</u>	Relating to School Building Authority	House received Senate message	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>2412</u>	Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash	Approved by Governor 2/22/2023 - House Journal	Effective Ninety Days from Passage - (May 16, 2023)
<u>HB</u> <u>2436</u>	Relating to the implementation of an acuity-based patient classification system	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2506</u>	Creating a title clearinghouse for non-resident businesses	Approved by Governor 2/13/2023	Effective from passage - (February 1, 2023)
<u>HB</u> <u>2509</u>	Creating the Uniform Premarital Agreement Act	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2515</u>	Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2526</u>	Relating to reducing the personal income tax	Approved by Governor 3/7/2023 - House Journal	Effective from passage - (March 4, 2023)
<u>HB</u> <u>2530</u>	Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days	Approved by Governor 2/15/2023	Effective Ninety Days from Passage - (May 7, 2023)
<u>HB</u> <u>2533</u>	Relating to a permanent windshield placard to be valid for the duration of the applicant's life	Approved by Governor 2/15/2023	Effective Ninety Days from Passage - (May 7, 2023)
<u>HB</u> <u>2540</u>	Travel Insurance Model Act	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2564</u>	Repeal of administrative hearing procedures for DUI offenses	Approved by Governor 2/14/2023	Effective Ninety Days from Passage - (May 4, 2023)

<u>HB</u> <u>2569</u>	Establishing the Motorsport Responsibility Act	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2587</u>	To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizen's taxes will be paid	To Governor 3/7/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2596</u>	To modify when a nonresident student's transfer may be denied	Approved by Governor 3/4/2023	Effective Ninety Days from Passage - (May 23, 2023)
<u>HB</u> <u>2597</u>	Amending performance evaluations of professional personnel	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2602</u>	Reestablishing certain specialized school service personnel classifications	Approved by Governor 2/22/2023 - House Journal	Effective from passage - (February 10, 2023)
<u>HB</u> <u>2605</u>	Relating to Good Samaritan law	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2607</u>	Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time.	House received Senate message	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2611</u>	To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities	To Governor 3/7/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2621</u>	Relating generally to bail bondsman	House Message received	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>2638</u>	Authorizing certain agencies of the Department of Administration to promulgate legislative rules	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2640</u>	Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2648</u>	Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2754</u>	Relating to immunizations performed in a pharmacy	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2757</u>	Relating to expanding institutional eligibility for the WV Invests Grant Program	House received Senate message	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2759</u>	Relating to updating the health care provider tax	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2760</u>	To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2762</u>	Allowing variance in state fire code for certain buildings used solely for emergency equipment storage	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2776</u>	Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act	Approved by Governor 2/14/2023	Effective from passage - (February 3, 2023)

<u>HB</u> <u>2777</u>	Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act	Approved by Governor 2/14/2023	Effective from passage - (February 3, 2023)
<u>HB</u> <u>2800</u>	All relating to authorizing legislative rules regarding higher education	Approved by Governor 2/24/2023 - Senate Journal	Effective from passage - (February 15, 2023)
<u>HB</u> <u>2814</u>	To create a Hydrogen power task force	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2817</u>	Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2820</u>	To provide HOPE Scholarship recipients with the ability to play sports	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2821</u>	Relating to taxation of gambling and lottery winnings	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2827</u>	Make public charter schools eligible for Safe Schools Funds	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2835</u>	Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University	Approved by Governor 2/17/2023 - House Journal	Effective Ninety Days from Passage - (May 7, 2023)
<u>HB</u> <u>2839</u>	Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2845</u>	Relating to removing expired provisions from the code	Approved by Governor 3/1/2023	Effective Ninety Days from

20

			Passage - (May 21, 2023)
<u>HB 2848</u>	Water and Sewer Operator licensing reciprocity	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB 2860</u>	To dispose of old AFFF foam accumulated by fire departments	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB 2862</u>	Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 2865</u>	To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 2870</u>	Correcting a reference relating to siting certificates for certain electric generating facilities	To Governor 3/16/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB 2875</u>	Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 2882</u>	Making a supplemental appropriation to the Department of Economic Development	Approved by Governor 2/24/2023 - Senate Journal	Effective from passage - (February 15, 2023)
<u>HB 2883</u>	Making a supplemental appropriation from the Coronavirus State Fiscal Recovery Fund	Approved by Governor 3/16/2023	Effective from passage - (March 11, 2023)
<u>HB 2890</u>	Modifying student discipline	House Message received	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>2899</u>	Repealing two sections of code relating to gas utility rates	To Governor 3/7/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2900</u>	Relating to the Deputy Sheriff Retirement System	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>2904</u>	Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>2906</u>	Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits	Approved by Governor 3/16/2023	Effective from passage - (March 7, 2023)
<u>HB</u> <u>2907</u>	Supplementing and amending appropriations to the Department of Administration, Division of General Services	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>2908</u>	Supplementing and amending appropriations to the Department of Commerce, Division of Forestry	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>2910</u>	Making a supplementary appropriation to the Department of Administration, Public Defender Services	Approved by Governor 3/16/2023	Effective from passage - (March 7, 2023)
<u>HB</u> <u>2911</u>	Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>2913</u>	Supplementing and amending appropriations to the DHHR, Consolidated Medical Services Fund	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>2914</u>	Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>2915</u>	Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund	Approved by Governor 3/16/2023	Effective from passage - (March 7, 2023)
<u>HB</u> <u>2917</u>	Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources	Completed legislative action	Completed Legislation awaiting

22

			Governor's signature
<u>HB 2928</u>	Supplementing and amending appropriations to DHHR, Division of Health	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 2955</u>	Relating to the establishment and operation of regional water, wastewater and stormwater authorities	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 2967</u>	Expediting License Applications for active military members and veterans, and their spouses	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 2993</u>	Relating to rural emergency hospital licensure	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3012</u>	To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB 3013</u>	Relating to authorizing the Jefferson County Commission to levy a special district excise tax	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3018</u>	Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3035</u>	Relating generally to high-quality education programs and school operations	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3036</u>	Increasing the number of districts and the limit on approved costs under the BUILD WV Act	House received Senate message	Completed Legislation awaiting Governor's signature

23

<u>HB 3039</u>	Making a supplementary appropriation to Adjutant General - State Militia	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3040</u>	Supplementing and amending appropriations to the Department of Administration, Office of the Secretary	Approved by Governor 3/16/2023	Effective from passage - (March 11, 2023)
<u>HB 3042</u>	Relating to forbidding excessive government limitations on exercise of religion	Approved by Governor 3/9/2023	Effective Ninety Days from Passage - (May 29, 2023)
<u>HB 3044</u>	Relating to the annual fee for limited video lottery terminal permits	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB 3055</u>	To create a vocational math class for students interested in careers in the trades.	Approved by Governor 3/4/2023	Effective Ninety Days from Passage - (May 23, 2023)
<u>HB 3061</u>	Relating to updating the authority of the Foster Care Ombudsman	Approved by Governor 2/24/2023 - Senate Journal	Effective from passage - (February 15, 2023)
<u>HB 3065</u>	Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3066</u>	Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools	Approved by Governor 3/16/2023	Effective from passage - (March 7, 2023)
<u>HB 3067</u>	Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3073</u>	Supplementing and amending appropriations to Adjutant General - State Militia	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3074</u>	Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3077</u>	Relating to making the use of the multi-state real time tracking system permanent	House received Senate message	Completed Legislation awaiting

			Governor's signature
<u>HB 3084</u>	Relating to revising provisions related to public charter schools	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3092</u>	Relating to in-state food service permit reciprocity	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3108</u>	Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3109</u>	Supplementing and amending appropriations to the State Board of Education - State Department of Education	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3110</u>	Relating to funding the Office of Oil and Gas in the Department of Environmental Protection	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3113</u>	Requiring high school students to complete course of study in personal finance	To Governor 3/13/2023	Completed Legislation awaiting Governor's signature
<u>HB 3114</u>	Deny severance pay to employees of DOT for failure or refusal of drug testing	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3122</u>	Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech	Approved by Governor 3/4/2023	Effective Ninety Days from Passage - (May 24, 2023)
<u>HB 3135</u>	To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3141</u>	Relating to the practice of dentistry	House received Senate message	Completed Legislation

			awaiting Governor's signature
<u>HB 3146</u>	Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3147</u>	To create the Upper Ohio Valley Trail Network	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3148</u>	Relating to financing municipal policemen's and firemen's pension and relief funds	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB 3156</u>	Raising the compensation rates of panel attorneys	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3164</u>	To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties	Approved by Governor 3/1/2023	Effective from passage - (February 20, 2023)
<u>HB 3166</u>	To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3168</u>	Ensuring investment in WV Tourism is competitive with other states and accessible long term	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3189</u>	The PFAS Protection Act	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3190</u>	Amending the definition of "minor"	House received Senate message	Completed Legislation awaiting

			Governor's signature
<u>HB 3191</u>	Relating to certain facilities operated by the state government to obtain a license	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3199</u>	Relating to removing the requirement that an ectopic pregnancy be reported	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3203</u>	Relating generally to West Virginia Real Estate License Act	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3210</u>	Relating to the performance of installation of propane gas systems	To Governor 3/7/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB 3211</u>	Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3214</u>	To create the Road Optimization & Assessment Data (ROAD) Pilot Project	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3215</u>	Relating to land use	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB 3218</u>	Relating to requiring suicide prevention resources be printed on student identification cards	Approved by Governor 3/15/2023	Effective Ninety Days from Passage - (May 30, 2023)
<u>HB 3224</u>	Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients	House received Senate message	Completed Legislation awaiting

			Governor's signature
<u>HB 3233</u>	Relating generally to uniform and equipment allowances for the National Guard	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3244</u>	Relating to Municipal Pensions Oversight Board proposing legislative rules	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB 3261</u>	Relating to Social Workers Qualifications	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3265</u>	Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3270</u>	To amend the deliberate intent statute to limit noneconomic damages to \$500,000	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3271</u>	Relating to increasing monitoring of special education classrooms	House received Senate message	Completed Legislation awaiting Governor's signature
<u>HB 3272</u>	Relating to the operation of private trust companies in West Virginia	Approved by Governor 3/7/2023 - House Journal	Effective Ninety Days from Passage - (May 23, 2023)
<u>HB 3286</u>	Relating to an additional modification decreasing federal taxable income	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3299</u>	Relating to Natural Resource Police Officer Retirement	To Governor 3/16/2023	Completed Legislation awaiting

			Governor's signature
<u>HB 3302</u>	To recognize unborn child as distinct victim in a DUI causing death	Approved by Governor 3/15/2023	Effective Ninety Days from Passage - (June 9, 2023)
<u>HB 3303</u>	Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3306</u>	Relating to the organizational structure of the Office of Drug Control Policy	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3307</u>	Establishing the West Virginia-Ireland Trade Commission	Approved by Governor 3/17/2023	Effect March 17, 2023
<u>HB 3308</u>	Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds	Approved by Governor 3/11/2023	Effective from passage - (February 28, 2023)
<u>HB 3311</u>	Relating to wine alcohol by volume as compared to beer	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3315</u>	Relating generally to readiness enhancement and commission bonuses	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB 3317</u>	Relating to removing specific continuing education requirements	To Governor 3/15/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB 3328</u>	Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>3332</u>	Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3337</u>	Prohibiting additional drug and alcohol treatment facilities and services in a certain county	To Governor 3/15/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3340</u>	To revise the West Virginia Tax Increment Financing Act	Became law without Governor's signature- House Journal	Effective from passage - (February 27, 2023)
<u>HB</u> <u>3344</u>	To pay certain moral obligations of the state	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3354</u>	To authorize municipalities to combine operations with other municipalities and counties to provide governmental services	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3360</u>	Creating an office of the Inspector General within the Department of Homeland Security	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3364</u>	Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3369</u>	Creating a School Safety Unit within the Division of Protective Services	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3370</u>	Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts	House Message received	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>3371</u>	Relating to federal funds for land-grant institutions	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3387</u>	Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years	To Governor 3/16/2023	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3391</u>	Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals	To Governor 3/9/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3396</u>	Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways	Approved by Governor 3/16/2023	Effective from passage - (March 8, 2023)
<u>HB</u> <u>3398</u>	Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3428</u>	Relating to the West Virginia Business Ready Sites Program	To Governor 3/13/2023	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3432</u>	Relating to statutory construction	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3439</u>	To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3441</u>	Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards	Completed legislative action	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>3443</u>	Relating to a development or improvement on land subject to review by the State Historic Preservation Office	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3444</u>	Relating to the creation of the West Virginia Semiquincentennial Commission and Fund	To Governor 3/15/2023 - Senate Journal	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3448</u>	Relating generally to probation officer field training	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3450</u>	Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund	House received Senate message	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3451</u>	Updating the veteran preference ratings in state code for state employment	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3473</u>	Creating a workgroup relating to Dig Once Policy	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3479</u>	Creating requirements for use of unmanned aerial vehicles	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3482</u>	To create the Coal Fired Grid Stabilization and Security Act of 2023	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3499</u>	To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship	House Message received	Completed Legislation awaiting Governor's signature

<u>HB 3500</u>	Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office	House Message received	Completed Legislation awaiting Governor's signature
<u>HB 3509</u>	Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3510</u>	Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund	Approved by Governor 3/16/2023	Effective from passage - (March 8, 2023)
<u>HB 3511</u>	Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program	Approved by Governor 3/16/2023	Effective from passage - (March 8, 2023)
<u>HB 3512</u>	Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services	Approved by Governor 3/16/2023	Effective from passage - (March 9, 2023)
<u>HB 3513</u>	Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3514</u>	Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund	Approved by Governor 3/16/2023	Effective from passage - (March 9, 2023)
<u>HB 3515</u>	Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3516</u>	Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment	Approved by Governor 3/16/2023	Effective from passage - (March 9, 2023)
<u>HB 3517</u>	Making a supplementary appropriation to the Division of Human Services – Child Care and Development	Approved by Governor 3/16/2023	Effective from passage - (March 9, 2023)
<u>HB 3518</u>	Making a supplementary appropriation to the Department of Agriculture	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB 3519</u>	Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)

<u>HB</u> <u>3520</u>	Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)
<u>HB</u> <u>3521</u>	Making a supplementary appropriation to the Division of Health – Maternal and Child Health	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)
<u>HB</u> <u>3522</u>	Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)
<u>HB</u> <u>3523</u>	Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)
<u>HB</u> <u>3524</u>	Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>3526</u>	Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>3527</u>	Supplementing and amending appropriations to Department of Education, School Building Authority	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)
<u>HB</u> <u>3528</u>	Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations	Approved by Governor 3/16/2023	Effective from passage - (March 3, 2023)
<u>HB</u> <u>3529</u>	Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services	Approved by Governor 3/16/2023	Effective from passage - (March 8, 2023)
<u>HB</u> <u>3542</u>	Expiring funds to the Department of Administration, Board of Risk and Insurance Management, Public Entity Insurance Trust Fund	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>3547</u>	Increasing the number of personal leave days that county board of education employees may use	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3552</u>	Relating to per diem jail costs	Completed legislative action	Completed Legislation awaiting Governor's signature

<u>HB</u> <u>3553</u>	Supplementing and amending appropriations to Department of Health and Human Resources	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>3555</u>	Relating to student purchase and refunds of course material	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3557</u>	Making a supplementary appropriation to the Department of Veterans' Assistance	Approved by Governor 3/16/2023	Effective from passage - (March 9, 2023)
<u>HB</u> <u>3559</u>	Relating to defining a newborn safety device	House Message received	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3560</u>	Relating to expanding the definitions of land and recreational purposes	Completed legislative action	Completed Legislation awaiting Governor's signature
<u>HB</u> <u>3563</u>	Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)
<u>HB</u> <u>3564</u>	Making a supplementary appropriation to the Division of Human Services - Energy Assistance	Approved by Governor 3/16/2023	Effective from passage - (March 10, 2023)

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 151

By Senators Oliverio, Nelson, Martin, Trump, and

Maroney

[Passed March 10, 2023; in effect 90 days from

passage]

36

1 AN ACT to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to
2 amend said code by adding thereto a new section, designated §11-21-3a; and to amend
3 and reenact §11-21-20 of said code, all relating to West Virginia income tax paid by pass-
4 through entities; authorizing certain entities to elect to pay West Virginia income tax;
5 defining terms; imposing a tax on pass-through entities which elect to pay West Virginia
6 income tax at the entity level; authorizing an income tax credit for an owner for such tax
7 paid; providing rulemaking authority; providing for a tax credit for income tax paid to
8 another state; and providing effective dates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-3. Imposition of tax; persons subject to tax.

1 (a) *Imposition of tax.* — A tax determined in accordance with the rates hereinafter set forth
2 in this article is hereby imposed for each taxable year on the West Virginia taxable income of every
3 individual, estate, electing pass-through entity, and trust.

4 (b) *Partners and partnerships.* — A partnership or other pass-through entity as such shall
5 not be subject to tax under this article, unless the partnership or other pass-through entity elects to
6 be subject to the tax levied under this section for a taxable year pursuant to §11-21-3a of this code.
7 Persons carrying on business as partners or owners of a pass-through entity shall be liable for tax
8 under this article only in their separate or individual capacities, unless the partnership or other
9 pass-through entity elects to be subject to the tax levied under this section for a taxable year
10 pursuant to §11-21-3a of this code. However, partnerships and other pass-through entities are
11 subject to the tax imposed by this article to the extent they elect to pay additional West Virginia
12 income taxes owed that are attributable to final federal partnership audit adjustments under §11-
13 21A-3 of this code.

14 (c) *Associations taxable as corporations.* — An association, trust, or other unincorporated
15 organization which is taxable as a corporation for federal income tax purposes, shall not be subject

16 to tax under this article.

17 (d) *Exempt trusts and organizations.* — A trust or other unincorporated organization which
18 by reason of its purposes or activities is exempt from federal income tax shall be exempt from tax
19 under this article (regardless of whether subject to federal income tax on unrelated business
20 taxable income).

21 (e) *Cross references.* — For definitions of West Virginia taxable income of:

22 (1) Resident individual, see §11-21-11 of this code.

23 (2) Resident estate or trust, see §11-21-18 of this code.

24 (3) Nonresident individual, see §11-21-30 of this code.

25 (4) Nonresident estate or trust, see §11-21-38 of this code.

26 (f) *Effective date.* — This section as amended in 2023 shall apply to taxable years
27 beginning on and after January 1, 2022.

§11-21-3a. Imposition of tax; persons subject to tax.

1 (a) *Definitions.* — As used in this section, or §11-21-3 of this code, or both, the following
2 terms have the following meanings. Any term used in this section that is not defined in this section
3 has the same meaning as when used elsewhere in this article. Any term undefined in this article
4 has the same meaning as when used in a comparable context in the laws of the United States
5 relating to income taxes, in accordance with §11-21-9 of this code, unless a different meaning is
6 clearly required.

7 (b) "Electing pass-through entity" means a qualifying pass-through entity that elects to be
8 subject to the tax levied under this article for a taxable year.

9 (c) "Owner" means a person that is a partner, member, shareholder, or investor in an
10 electing pass-through entity for any portion of the taxable year.

11 (d) "Income" means the sum of:

12 (1) The owners' distributive shares of the income, gain, expense, or loss of an electing
13 pass-through entity for the taxable year, as reported for federal income tax purposes; and

14 (2) The resident owner's distributive share of the electing pass-through entity's income or
15 loss not attributable to West Virginia.

16 (e) "Tax Commissioner" means the Tax Commissioner of the State of West Virginia or his
17 or her delegate, as provided in §11-1-1 *et seq.* of this code.

18 (f) "Pass-through entity" means any partnership or other business entity that is not subject
19 to tax under §11-24-1 *et seq.* of this code.

20 (g) "Entity" means any person that is not an individual.

21 (h) A pass-through entity that is not a disregarded entity for federal income tax purposes
22 may elect to be subject to the tax levied under this section by filing with the Tax Commissioner a
23 form prescribed by the commissioner making such election on or before the deadline to file the
24 return, as specified in §11-21-51 of this code. Such election applies only to the taxable year for
25 which the election is made and, once made, is irrevocable for that year.

26 (i) For taxable years beginning on and after January 1, 2022, an electing pass-through
27 entity may make an election, in a format and according to such requirements and procedures
28 established by the Tax Commissioner, to pay the tax levied by this article at the entity level for the
29 taxable year.

30 (j) An electing pass-through entity required to file a return under this article shall make an
31 election for the taxable period covered by such return. The election must be made on or before the
32 due date for filing the applicable return, including any extensions that have been granted. Such
33 election applies only to the taxable year for which the election is made and, once made, is
34 irrevocable for that year.

35 (k) A tax equal to the top marginal rate on individuals under this article on the West Virginia
36 taxable income of an electing pass-through entity that makes the election provided under this
37 section, is hereby annually imposed.

38 (l) The tax levied under this section shall be calculated without regard to any deductions or
39 credits otherwise permitted to be claimed by an owner or member of the electing pass-through

40 entity in computing the owner's aggregate tax liability under this article and not utilized by the pass-
41 through entity in determining its taxable income.

42 (m) An electing pass-through entity that elects to pay the tax under this section may be
43 eligible for credits, deductions, or other adjustments to taxable income provided by any applicable
44 sections of this code including the credit provided in §11-21-20 of this code: *Provided*, That a
45 qualifying pass-through entity's taxable income shall be adjusted to eliminate any federal
46 deduction for state and local income taxes.

47 (n) The full amount of the tax payable as shown on the return of the electing pass-through
48 entity must be paid to the state within the time allowed for filing the return. In the case of any
49 overpayment of the tax imposed under this section, only the electing pass-through entity may
50 request a refund of the overpayment. In the case of any underpayment of tax imposed under this
51 section, the Tax Commissioner may collect the tax from the electing pass-through entity pursuant
52 to §11-10-1 *et seq.* of this code: *Provided*, That shareholders, owners, and partners shall be jointly
53 and severally liable for any underpayment of tax not paid by, or collected from, the pass-through
54 entity.

55 (o) With respect to an electing pass-through entity that pays the tax imposed under this
56 section, the tax shall be treated as a tax imposed on the pass-through entity itself. The tax levied
57 under this section is intended to comply with the provisions of Internal Revenue Service Notice
58 2020-75 in which such tax paid by an electing pass-through entity is deductible to the entity for
59 federal income tax purposes.

60 (p) The Tax Commissioner shall propose rules for legislative approval in accordance with
61 the provisions of §29A-3-1 *et seq.* of this code to administer the tax levied pursuant to the
62 provisions of this section. These rules must include a description of how the adjustments to
63 income and the credit authorized by this section apply to direct or indirect owners of an electing
64 pass-through entity based upon various ownership structures.

65 (q) There is hereby allowed a credit against a taxpayer's aggregate tax liability under this

66 article for a taxpayer who is an owner of an electing pass-through entity. The credit shall equal the
67 owner's proportionate share of the tax levied under this article remitted by the owner's electing
68 pass-through entity for the taxable year. The credit shall be claimed for the taxpayer's taxable year
69 that includes the last day of the electing pass-through entity's taxable year for which the tax levied
70 under this section was paid. If the credit exceeds the aggregate amount of tax otherwise due, the
71 excess may be carried forward by the taxpayer for up to five taxable years. The Tax Commissioner
72 may request that a taxpayer claiming a credit under this section furnish information as is
73 necessary to support the claim for the credit under this section, and no credit shall be allowed
74 unless information requested from the taxpayer is provided to the Tax Commissioner.

§11-21-20. Credit for income tax of another state.

1 (a) *General.* — A resident shall be allowed a credit against the tax otherwise due under this article
2 for any income tax paid to another state of the United States or by the District of Columbia for the
3 taxable year, either directly paid by the individual or paid by a pass-through entity in accordance
4 with §11-21-3a of this code and passed through by the entity to the individual taxpayer, upon
5 income both derived therefrom and subject to tax under this article. As used in this subsection,
6 "pass-through entity tax" refers to a state net income tax imposed by another state on a pass-
7 through entity that is substantially similar to the tax imposed by §11-21-3a of this code. Solely for
8 purposes of this section, an owner of a pass-through entity shall be considered liable for tax paid to
9 another state by the pass-through entity pursuant to a pass-through entity tax imposed by the state
10 (whether elected or otherwise) in an amount equal to that portion of the pass-through entity tax
11 representing the owner's share of the pass-through entity's income subject to the tax, and the
12 owner shall be considered to have paid that portion of the tax paid by the pass-through entity. The
13 owner of a pass-through entity shall also be considered liable for and to have paid state income
14 taxes to another state paid by the pass-through entity on behalf of an owner through withholding, a
15 composite return, or otherwise. If an owner receives a refund or credit for overpayment of all or

16 part of a pass-through entity tax imposed by another state, the amount paid by the owner shall be
17 reduced by the refund or credit.

18 (b) *Limitations.* — (1) The credit under this section shall not exceed the percentage of the
19 tax otherwise due under this article determined by dividing the portion of the taxpayer's West
20 Virginia income subject to taxation by such other jurisdiction by the total amount of the taxpayer's
21 West Virginia income.

22 (2) The credit under this section shall not reduce the tax otherwise due under this article to
23 an amount less than would have been due if the income subject to taxation by such other
24 jurisdiction were excluded from the taxpayer's West Virginia income.

25 (c) *Exception.* — No credit shall be allowed under this section for a tax of a jurisdiction
26 which allows residents of this state a credit against the taxes imposed by such other jurisdiction for
27 the tax under this article, if such other credit is substantially similar to the credit granted by §11-21-
28 40 of this code.

29 (d) *Definition.* — For purposes of this section West Virginia income means:

30 (1) The West Virginia adjusted gross income of an individual;

31 (2) The amount of the income of an estate or trust, determined as if the estate or trust were
32 an individual computing his or her West Virginia adjusted gross income under §11-21-12 of this
33 code; or

34 (3) The taxable income of an electing pass-through entity for which election is made and
35 determined in accordance with §11-21-3a of this code.

36 (e) *Effective date.* — This section as amended in 2023 shall apply to taxable years
37 beginning on and after January 1, 2022.

42

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 187

BY SENATORS CLEMENTS, WOELFEL, ROBERTS, STUART,

PLYMALE, HUNT, RUCKER, DEEDS, AND GRADY

[Passed March 11, 2023; in effect 90 days from passage (June 9, 2023)]

43

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-8B-11b, relating to making it a felony offense for any school employee or
3 volunteer to engage in sexual intercourse, sexual intrusion, or sexual contact with any
4 student in the school where the person is employed regardless of age; defining terms;
5 declaring that neither consent nor location where an offense occurs is a defense to
6 prosecution specifying the criminal penalties for this offense; and declaring that a final
7 conviction under this section causes the permanent revocation of any education related
8 certificate the school employee may hold.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

**§61-8B-11b. Prohibiting sexual intercourse sexual intrusion or sexual contact, or intrusion
against students by school employees; penalties.**

1 (a) Any teacher, principal, counselor, coach, other employee, or volunteer of any private
2 or public elementary or secondary school who engages in sexual intercourse, sexual intrusion, or
3 sexual contact, as those terms are defined in §61-8B-1 of this code, with any student enrolled in
4 the school regardless of the age of the student is guilty of a felony and upon conviction thereof,
5 shall be imprisoned in a state correctional facility for not less than one nor more than five years
6 or fined not more than \$5,000 or both imprisoned and fined. The fact that the student may have
7 consented to such an act or that the act did not occur on school property or during a school
8 function is not a defense.

9 (b) For purposes of this section:

10 (1) A private elementary or secondary school means any school enrolling students who
11 are exempt from compulsory school attendance under either §18-8-1(b) of this code or §18-8-1
12 (k) of this code; and

44

13 (2) A public elementary or secondary school means any school under the general
14 supervision of the West Virginia Board of Education pursuant to section two, article XII of the West
15 Virginia Constitution.

16 (c) This is a separate and distinct criminal offense from any other applicable offense under
17 this code. The penalties set forth, in this section, are in addition to any other penalties for any
18 other applicable offense.

19 (d) A final conviction under this section shall cause the permanent forfeiture of any
20 teaching or other certificate issued pursuant to §18A-3-2a of this code.

45

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

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

.....
President of the Senate

.....
Speaker of the House of Delegates

The within is this the.....

Day of, 2023.

.....
Governor



WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 244

By Senators Woodrum and Trump

[Passed March 09, 2023; in effect 90 days from
passage]

47

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §5-30-1 and §5-30-2, all relating to making rosters of individuals who have
3 obtained professional, occupational, and trade licenses, registrations, and certificates
4 available to the public; stating purpose of article; and requiring entities that authorize
5 individuals to practice a profession, occupation, or trade in this state to prepare and
6 maintain a roster of authorized individuals and to make roster available to the public.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 30. ROSTERS OF INDIVIDUALS AUTHORIZED TO PRACTICE
PROFESSIONS, OCCUPATIONS, AND TRADES.**

§5-30-1. Purpose of article.

1 The purpose of this article is to ensure and increase public confidence in state regulation of
2 professions, occupations, and trades by making lists of all individuals who have obtained approval
3 to practice in the state available to the public upon request and electronically.

**§5-30-2. Roster of licensed, registered, or certified practitioners to be made available to the
public.**

1 The secretary or director of every board, commission, agency, or entity that issues
2 licenses, registrations, or certificates, or otherwise authorizes individuals to practice a profession,
3 occupation, or trade in this state, shall prepare and maintain a complete roster of the names and
4 mailing addresses of all persons licensed, registered, certified, or otherwise authorized to practice
5 in this state the profession, occupation, or trade to which such board, commission, agency, or
6 entity relates, arranged alphabetically by name and also by the municipalities or counties in which
7 their mailing addresses are situated. Each such board, commission, agency, or entity shall make
8 the roster available upon request to any member of the public and shall also place and maintain
9 the roster on its website if it maintains one.

48

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Senate Bill 241

By Senators Azinger, Woelfel, and Plymale

[Passed February 9, 2023; in effect from passage]

49

1 AN ACT to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating
2 to patient brokering; requiring a state agency to regulate patient brokering; and requiring
3 the development of a tool to facilitate complaints.

Be it enacted by the Legislature of West Virginia:

ARTICLE 62. THE PATIENT BROKERING ACT.

§16-62-2. Patient brokering prohibited.

1 (a) It is unlawful for any person, including any health care provider or health care facility, to:

2 (1) Offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or
3 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to
4 induce the referral of a patient or patronage to or from a health care provider or health care facility;

5 (2) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or
6 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in
7 return for referring a patient or patronage to or from a health care provider or health care facility;

8 (3) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or
9 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in
10 return for the acceptance or acknowledgment of treatment from a health care provider or health
11 care facility;

12 (4) Aid, abet, advise, or otherwise participate in the conduct prohibited under this
13 subsection; or

14 (5) Engage in any of the unlawful acts provided for in this subsection in regard to a
15 recovery residence as defined in §16-59-1 of this code.

16 (b) *Penalties.* –

17 (1) Any person who violates the provisions of subsection (a) of this section is guilty of a
18 felony and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned in a state
19 correctional facility for not less than one year nor more than five years, or both fined and

50

20 imprisoned.

21 (2) Notwithstanding the provisions of subdivision (1) of this section, any person who
22 violates subsection (a) of this section, where the prohibited conduct involves 10 or more patients,
23 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000, or
24 imprisoned in a state correctional facility not less than two years nor more than five years, or both
25 fined and imprisoned.

26 (c) The Office of the Inspector General shall develop a tool that facilitates the submission of
27 complaints. The Office of the Inspector General shall investigate complaints and enforce the
28 provisions of this article.

51

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 273

By Senators Trump, Woelfel, Plymale, Rucker,
Barrett, and Deeds

[Passed March 11, 2023; in effect from passage]

52

1 AN ACT to amend and reenact §49-2-101, §49-2-102, and §49-2-809 of the Code of West
2 Virginia, 1931, as amended; to amend said code by adding thereto a new article,
3 designated §49-10-101, §49-10-102, and §49-10-103; to amend said code by adding
4 thereto a new article, designated §49-11-101, all relating to child welfare; continuing the
5 Bureau for Social Services; providing authority to the bureau; providing how the
6 commissioner shall allocate child protective service workers; requiring reporting; requiring
7 the department to have a redundancy centralized intake system; setting forth requirements
8 for data submission in the event a system exists; providing that the Bureau for Social
9 Services shall develop a merit-based system; providing legislative findings; providing that
10 the merit-based system is not subject to the grievance process; providing that for existing
11 employees there is no grievance procedure for a regional pay disparity for the same job
12 classification and establishing time frames for implementation; and updating the child
13 welfare dashboard.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-101. Authorization and responsibility; Bureau for Social Services.

- 1 (a) The Bureau for Social Services is continued within the department. The bureau is under
2 the immediate supervision of a commissioner.
- 3 (b) The Bureau for Social Services is authorized to provide care, support, and protective
4 services for children who are handicapped by dependency, neglect, single parent status, mental or
5 physical disability, or who for other reasons are in need of public service. The bureau is also
6 authorized to accept children for care from their parent or parents, guardian, custodian, or
7 relatives, and to accept the custody of children committed to its care by courts. The bureau or any
8 county office of the department is also authorized to accept temporary custody of children for care
9 from any law-enforcement officer in an emergency situation.
- 10 (c) The bureau is responsible for the care of the infant child of an unmarried mother who

11 has been committed to the custody of the department while the infant is placed in the same
12 licensed child welfare agency as his or her mother. The bureau provides care for those children in
13 family homes meeting required standards, at board or otherwise, through a licensed child welfare
14 agency, or in a state institution providing care for dependent or neglected children. If practical,
15 when placing any child in the care of a family or a child welfare agency, the bureau shall select a
16 family holding the same religious belief as the parents or relatives of the child, or a child welfare
17 agency conducted under religious auspices of the same belief as the parents or relatives.

§49-2-102. Staffing Allocation for Child Protective Services Workers.

1 Notwithstanding any other provision of this code to the contrary, effective July 1, 2024, the
2 commissioner shall allocate and station child protective services workers by county based on
3 population, referrals, and average caseload. The allocation may not decrease below the bureau's
4 allocation of January 1, 2023. The county population shall be based on the United States Census.
5 The bureau shall report the allocation to the Legislative Oversight Commission on Health and
6 Human Resources Accountability by July 1 each year.

1 **§49-2-809. Reporting procedures.**

2 (a) Reports of child abuse and neglect pursuant to this article shall be made immediately to the
3 department of child protective services by a method established by the Bureau for Social Services:
4 *Provided*, That if the method for reporting is web-based, the Bureau for Social Services shall
5 maintain a system for addressing emergency situations that require immediate attention and shall
6 be followed by a written report within 48 hours if so requested by the receiving agency. The Bureau
7 for Social Services shall establish and maintain a 24-hour, seven-day-a-week telephone number
8 to receive calls reporting suspected or known child abuse or neglect.

9 (b) The department shall have a redundancy for its system in the event of an outage to receive
10 reports. This redundancy system shall be transparent, meaning that it shall allow for reporting in
11 the same means as if the outage had not occurred and no time delay shall occur from when the
12 outage occurs to when the redundancy system begins to operate. This redundancy system shall

13 be operational no later than July 1, 2023. If the department contends that it currently has a
14 redundancy system, it shall describe the system, provide an operational date for the system, and
15 explain why calls to centralized intake were unanswered to the Joint Committee on Government
16 and Finance by July 1, 2023.

17 (c) A copy of any report of serious physical abuse, sexual abuse, or assault shall be
18 forwarded by the department to the appropriate law-enforcement agency, the prosecuting
19 attorney, or the coroner or medical examiner's office. All reports under this article are confidential.
20 Reports of known or suspected institutional child abuse or neglect shall be made and received as
21 all other reports made pursuant to this article.

22 (d) The department shall annually submit a report in an electronic format, via the legislative
23 webpage, on July 1 to the Joint Committee on Government and Finance, which shall contain: How
24 many calls were made to centralized intake on a per county basis, how many calls were referred to
25 centralized intake on a per county basis, how many calls were screened out centralized intake on
26 a per county basis, and the time from referral to investigation on a per county basis.

ARTICLE 10. EXEMPTION FROM WEST VIRGINIA DIVISION OF PERSONNEL.

§49-10-101. Legislative findings.

1 The Legislature finds the State of West Virginia is experiencing a child welfare crisis. From
2 2016 to 2020, the child protective service vacancy rate has increased from 9.7 percent to 33
3 percent. This significant lack of staffing has caused a delay in response times to begin
4 investigations. During the same time period, the average hours to start a child protective service
5 investigation after referral went from 119.1 hours in 2016 to now averaging 428.1 hours in 2020.
6 This significant failure to begin the investigation can and has cost lives. The Legislature finds that
7 the Bureau for Social Services is having extreme difficulty recruiting and retaining child protective
8 service workers, youth service workers, adult protective service workers, and other related
9 workers, including necessary casework support personnel and managers at the county level, who
10 assist in the provision of services to vulnerable populations.

§49-10-102. Bureau for Social Service employees exempt from Division of Personnel.

1 (a) The Commissioner of the Bureau for Social Services shall develop a merit-based
2 system policy for the bureau. The procedure shall include classification specifications, and may
3 include compensation adjustments, retention incentives, and hiring approval by the commissioner.
4 The commissioner shall have the full authority to evaluate applicants for employment or promotion
5 or make classification determinations for positions within the merit-based system. The pay rates
6 and employment requirements shall be put into effect on or before January 1, 2024. This merit-
7 based system shall apply to new employees in the above referenced job classifications and for
8 existing employees who elect, in writing to enter the merit-based system. The merit-based system
9 is exempt from the Division of Personnel and all requirements of §29-6-1 *et seq.* of this code and
10 any related rules. There is no requirement for uniformity regarding the pay scale for the same
11 classification between regions of the state to account for market rates and demand for specific
12 positions. The provisions of §6C-2-1 *et seq.* of this code are not applicable.

13 (b) Funding for the pay rates and employment requirements shall be provided from the
14 appropriation to the bureau.

15 (c) The commissioner may conduct periodic wage and compensation analysis of identified
16 market rates for the above positions as determined by the commissioner.

17 (d) The commissioner shall report to Legislative Oversight Commission of Health and
18 Human Resources accountability by January 1, 2024.

§49-10-103. Bureau for Social Service employees no requirement uniformity in pay scale.

1 The Legislature finds that the Bureau for Social Services is having extreme difficulty
2 retaining child protective service workers, youth service workers, adult protective service workers,
3 and other related workers, including necessary casework support personnel and managers at the
4 county level, who assist in the provision of services to vulnerable populations. To retain qualified
5 employees in these crucial positions, there is no requirement for uniformity regarding the pay scale
6 for the same classification between regions of the state to account for market rates and demand

7 for specific positions. The provisions of §6C-2-1 *et seq.* of this code shall be applicable to the
8 employees of the merit-based system as set forth in §49-10-102 of this code, however, there is no
9 right to a grievance for any such regional pay disparity for the same job classification.

ARTICLE 11. SYSTEM REPORTING.

§49-11-101. Systemic reporting transparency; rulemaking.

1 The commissioner shall change the existing child welfare data dashboard by July 1, 2023,
2 to report on system-wide issues, including, but not limited to, system-level performance indicators,
3 intake hotline performance indicators, field investigation performance indicators, open case
4 performance indicators, out-of-home placement performance indicators, and federally mandated
5 performance indicators.

A handwritten number '56' is enclosed within a hand-drawn circle. The number is written in a simple, bold, black ink style. The circle is also drawn with a thick black line.

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 490

By Senators Deeds, Hamilton, Hunt, Jeffries, Karnes,
Maroney, Martin, Phillips, Stuart, Trump Weld,
Woodrum, Plymale, Swope, Roberts, Grady, Nelson,
and Taylor

[Passed March 06, 2023; in effect 90 days from
passage]

53

1 AN ACT to amend the Code of West Virginia 1931, as amended, by adding thereto a new section,
2 designated §61-5-17a, relating to creating the offense of obstructing a law-enforcement
3 officer, probation officer, parole officer, courthouse security officer, correctional officer, the
4 State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical
5 service personnel causing death; requiring proof of knowingly, willfully and forcibly
6 obstructing or hindering a law enforcement officer, probation officer, parole officer,
7 courthouse security officer, correctional officer, the State Fire Marshal, a deputy or
8 assistant fire marshal, firefighter, or emergency medical service personnel engaged in their
9 official capacity and thereby proximately causing the death of the person acting in his or
10 her official capacity; establishing the criminal penalty therefor as life imprisonment with
11 parole eligibility after service of 15 years; and providing a definition.

12 *PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS THE PATROL*
13 *OFFICER CASSIE MARIE JOHNSON MEMORIAL ACT.*

Be it enacted by the Legislature of West Virginia:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17a. Obstructing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel causing death; penalty.

1 (a) Notwithstanding any provision of this code to the contrary, any person who knowingly,
2 willfully, and forcibly obstructs or hinders a law-enforcement officer, probation officer, parole
3 officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or
4 assistant fire marshal, firefighter, or emergency medical service personnel lawfully acting in his or
5 her official capacity and thereby proximately causes the death of a law-enforcement officer,

6 probation officer, parole officer, courthouse security officer, correctional officer, the State Fire
7 Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel so
8 acting, is guilty of a felony, and upon conviction thereof, shall be imprisoned in a state correctional
9 facility for a term of 15 years to life.

10 (b) For purposes of this section, "forcibly" means actions which involve the use of physical
11 force.

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WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2218

BY DELEGATES WESTFALL, GARCIA, FAST, KELLY, KUMP, FLUHARTY

AND WARNER

[Passed March 11, 2023; in effect ninety days from passage.]

56

1 AN ACT to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended,
2 relating to distracted driving; modifying the scope of prohibitions on distracted driving by
3 establishing the Electronically Distracted Driving Act; defining terms; providing limitations
4 for the use of wireless telecommunications devices and stand-alone electronic devices;
5 prohibiting certain actions by all drivers; prohibiting certain actions by school bus drivers
6 and commercial motor vehicle drivers; providing that each violation constitutes a separate
7 offense; providing for penalties for violations, including criminal penalties, fines, driver's
8 license suspension and revocation, and points on the driver's record maintained by the
9 Division of Motor Vehicles; providing exceptions; and providing a name for certain
10 amendments.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-15. Electronically Distracted Driving Act.

- 1 (a) *Definitions* — As used in this section:
- 2 (1) "Smartwatch" means a wearable computer that provides a local touchscreen for daily
3 use, associated with applications, and connected to a cellular or Wi-Fi network;
- 4 (2) "Stand-alone electronic device" means a portable device other than a wireless
5 telecommunications device which stores audio or video data files to be retrieved on demand by a
6 user;
- 7 (3) "Utility services" means and includes electric, natural gas, water, wastewater, cable,
8 telephone, or telecommunications services, or the repair, location, relocation, improvement, or
9 maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements,
10 rights-of-way, or associated infrastructure;
- 11 (4) "Wireless telecommunications device" means one of the following portable devices:
- 12 (A) A cellular telephone;
- 13 (B) A portable telephone;



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- 14 (C) A text-messaging device;
- 15 (D) A personal digital assistant;
- 16 (E) A stand-alone computer including, but not limited to, a tablet, laptop, or notebook
17 computer;
- 18 (F) A handheld global positioning system receiver;
- 19 (G) A device capable of displaying a video, movie, broadcast television image, or visual
20 image;
- 21 (H) Any substantially similar portable wireless device that is used to initiate or receive
22 communication, information, or data;
- 23 (I) "Wireless telecommunications device" does not include a smartwatch, any type of radio
24 including but not limited to, radios used by first responders or school bus operators; citizens band
25 radio or radio hybrid; commercial two-way radio communication device or its functional equivalent;
26 subscription-based emergency communication device; prescribed medical device; amateur or
27 ham radio device, or any built-in vehicle equipment for security, navigation, communications, or
28 remote diagnostics; and
- 29 (5) "Voice-operated or hands-free feature or function" means a feature or function that
30 allows a person to use a wireless telecommunications device without the use of either hand,
31 except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
- 32 (b) The driver of a school bus shall not use or operate a wireless telecommunications
33 device or two-way radio while loading or unloading passengers.
- 34 (c) The driver of a school bus shall not use or operate a wireless telecommunications
35 device while the bus is in motion nor while stationary in traffic nor at a traffic control signal, unless
36 that device is being used in a similar manner as a two-way radio to allow live communication
37 between the driver and school officials or public safety officials.

58

38 (d) A driver shall exercise due care in operating a motor vehicle on the highways of this
39 state and shall not engage in any actions involving any stand-alone electronic device or wireless
40 telecommunications device that distracts such driver from the safe operation of the vehicle.

41 (e) While operating a motor vehicle on any street, highway, or property open to the public
42 for vehicular traffic in this state, no driver may:

43 (1) Physically hold or support, with any part of his or her body, a wireless communication
44 device or stand-alone electronic device: *Provided*, That such prohibition shall not apply to the
45 wearing of a smartwatch;

46 (2) Write, send, or read any text-based communication including, but not limited to, a text
47 message, instant message, e-mail, or social media interaction on a wireless telecommunications
48 device or stand-alone electronic device: *Provided*, That such prohibition shall not apply to a voice-
49 operated or hands-free communication feature which is automatically converted by such device
50 to be sent as a message in a written form;

51 (3) Make any communication involving a wireless telecommunications device, including a
52 phone call, voice message, or one-way voice communication: *Provided*, That such prohibition
53 shall not apply to a voice operated or hands-free communication feature or function;

54 (4) Engage in any form of electronic data retrieval or electronic data communication on a
55 wireless telecommunications device or stand-alone electronic device;

56 (5) Manually enter letters, numbers, or symbols into any website, search engine, or
57 application on a wireless telecommunications device or stand-alone electronic device;

58 (6) Watch a video or movie on a wireless telecommunications device or standalone
59 electronic device other than watching data related to the navigation of such vehicle;

60 (7) Record, post, send, or broadcast video, including a video conference on a wireless
61 telecommunications device or stand-alone electronic device: *Provided*, That such prohibition
62 does not apply to electronic devices used for the sole purpose of continuously recording or
63 broadcasting video within or outside of the motor vehicle; or

59

64 (8) Actively play any game on a wireless telecommunications device or stand-alone
65 electronic device.

66 (f) While operating a commercial motor vehicle on any highway of this state, no driver may:

67 (1) Use more than a single button on a wireless telecommunications device to initiate or
68 terminate a voice communication; or

69 (2) Reach for a wireless telecommunications device or stand-alone electronic device in
70 such a manner that requires the driver to:

71 (A) No longer be in a seated driving position; or

72 (B) No longer be properly restrained by a safety belt.

73 (g) Each violation of this section shall constitute a separate offense.

74 (h) It is a misdemeanor for any driver to violate any of the provisions of this section. Every
75 driver convicted of a misdemeanor for a violation of any of the provisions of this section shall be
76 punished as follows:

77 (1) For a first conviction with no prior conviction of and no plea of no contest accepted to
78 a charge of violating this section within the previous 24-month period, as measured from the date
79 of any prior conviction or plea, a fine of not more than \$100;

80 (2) For a second conviction within a 24-month period, as measured from the date of any
81 prior conviction or plea, a fine of not more than \$200;

82 (3) For a third or subsequent conviction within a 24-month period, as measured from the
83 date of any prior conviction or plea:

84 (A) A fine of not more than \$350;

85 (B) Three points on the driver's record maintained by the Division of Motor Vehicles; and

86 (C) At the court's discretion, suspension of the driver's license for a period of 90 days;

87 (4) Any driver who causes physical harm to property as the proximate result of committing
88 a violation of this section is guilty of a misdemeanor punishable up to 30 days in jail or a fine not
89 less than \$100 and not more than \$500;

4 

90 (5) Any driver who causes serious physical harm to another person as the proximate result
91 of committing a violation of this section is guilty of a misdemeanor and shall be fined not less than
92 \$500 nor more than \$1,000, or confined in jail up to 120 days, or both fined and confined, and
93 such driver shall have his or her license to operate a motor vehicle revoked by the Commissioner
94 of the Division of Motor Vehicles for a period of one year; and

95 (6) Any driver who causes the death of another as the proximate result of committing a
96 violation of this section is guilty of negligent homicide and shall be punished in accordance with
97 §17C-5-1 of this code.

98 (i) The Department of Transportation shall cause to be erected signs upon any highway
99 entering the state of West Virginia on which a welcome to West Virginia sign is posted, and any
100 other highway where the Division of Highways deems appropriate, posted at a distance of not
101 more than one mile from each border crossing, each sign to bear an inscription clearly
102 communicating to motorists entering the state that texting, or the use of a wireless communication
103 device without hands-free equipment, is illegal within this state.

104 (j) Nothing contained in this section shall be construed to authorize seizure of a cell phone
105 or electronic device by any law-enforcement agency.

106 (k) No policy providing liability coverage for personal lines insurance shall contain a
107 provision which may be used to deny coverage or exclude payment of any legal damages
108 recoverable by law for injuries proximately caused by a violation of this section, as long as such
109 amounts are within the coverage limits of the insured.

110 (l) This section shall not apply to:

111 (1) Drivers reporting to state, county, or local authorities a traffic accident, medical
112 emergency, fire, an actual or potential criminal or delinquent act, or a road condition that causes
113 an immediate and serious traffic or safety hazard;

114 (2) An employee or contractor of a utility services provider acting within the scope of his
115 or her employment while responding to a utility emergency;

116 (3) A driver operating a commercial vehicle while using a mobile data terminal that
117 transmits and receives data;

118 (4) A law-enforcement officer, firefighter, emergency medical services personnel,
119 ambulance driver, or other similarly employed public safety first responder during the performance
120 of his or her official duties; or

121 (5) While in a motor vehicle that is lawfully parked.

122 (m) This section does not supersede the provisions of §17B-2-3a of this code, or any more
123 restrictive provisions for drivers of commercial motor vehicles prescribed either by the provisions
124 of §17E-1-1 *et seq.* of this code or by federal law or rule.

125 (n) The amendments to this section adopted during the regular session of the Legislature
126 in 2023, shall be known as the Robin W. Ames Memorial Act.



WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2221

BY DELEGATES WESTFALL, KELLY, STEELE, SHAMBLIN,

HILLENBRAND, KUMP AND GARCIA

[Passed March 9, 2023; in effect ninety days from passage.]

63

1 AN ACT to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating
2 to bankruptcy; correcting an erroneous term; updating the monetary amounts of certain
3 exemptions to account for inflation, including those amounts related to household goods,
4 jewelry, tools of the trade, and payments made on account of a personal bodily injury;
5 excluding life insurance proceeds paid to the debtor as a beneficiary; excluding any
6 annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the
7 debtor as a beneficiary; and, excluding any annuities or life insurance policies owned by
8 the debtor which are payable to someone other than the debtor, including any applicable
9 cash surrender value, from inclusion in the bankruptcy estate used to satisfy creditors in
10 a bankruptcy proceeding.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FEDERAL TAX LIENS; ORDERS AND DECREES IN BANKRUPTCY.

§38-10-4. Exemptions of property in bankruptcy proceedings.

1 Any person who files a petition under the federal bankruptcy law may exempt from
2 property of the estate in a bankruptcy proceeding the following property:

3 (a) The debtor's interest, not to exceed \$35,000 in value, in real property or personal
4 property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that
5 owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot
6 for the debtor or a dependent of the debtor: *Provided*, That when the debtor is a physician licensed
7 to practice medicine in this state under §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code, and has
8 commenced a bankruptcy proceeding in part due to a verdict or judgment entered in a medical
9 professional liability action, if the physician has current medical malpractice insurance in the
10 amount of at least \$1 million for each occurrence, the debtor physician's interest that is exempt
11 under this subdivision may exceed \$35,000 in value but may not exceed \$250,000 per household.

12 (b) The debtor's interest, not to exceed \$7,500 in value, in one motor vehicle.

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13 (c) The debtor's interest, not to exceed \$800 in value in any particular item, in household
14 furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical
15 instruments that are held primarily for the personal, family, or household use of the debtor or a
16 dependent of the debtor: *Provided*, That the total amount of personal property exempted under
17 this subdivision may not exceed \$16,000.

18 (d) The debtor's interest, not to exceed \$2,000 in value, in jewelry held primarily for the
19 personal, family, or household use of the debtor or a dependent of the debtor.

20 (e) The debtor's interest, not to exceed in value \$800 plus any unused amount of the
21 exemption provided under subdivision (a) of this subsection in any property.

22 (f) The debtor's interest, not to exceed \$3,000 in value, in any implements, professional
23 books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

24 (g) Any unmaturred life insurance contract owned by the debtor, other than a credit life
25 insurance contract.

26 (h) Professionally prescribed health aids for the debtor or a dependent of the debtor.

27 (i) The debtor's right to receive:

28 (1) A Social Security benefit, unemployment compensation, or a local public assistance
29 benefit;

30 (2) A veterans' benefit;

31 (3) A disability, illness, or unemployment benefit;

32 (4) Alimony, support, or separate maintenance, to the extent reasonably necessary for the
33 support of the debtor and any dependent of the debtor;

34 (5) A payment under a stock bonus, pension, profit sharing, annuity, or similar plan or
35 contract on account of illness, disability, death, age, or length of service, to the extent reasonably
36 necessary for the support of the debtor and any dependent of the debtor, and funds on deposit in
37 an individual retirement account, including a simplified employee pension regardless of the
38 amount of funds, unless:

65

39 (A) The plan or contract was established by or under the auspices of an insider that
40 employed the debtor at the time the debtor's rights under the plan or contract arose;

41 (B) The payment is on account of age or length of service;

42 (C) The plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, or
43 409 of the Internal Revenue Code of 1986; and

44 (D) With respect to an individual retirement account, including a simplified employee
45 pension, the amount is subject to the excise tax on excess contributions under Section 4973
46 and/or Section 4979 of the Internal Revenue Code of 1986, or any successor provisions,
47 regardless of whether the tax is paid.

48 (j) The debtor's right to receive or property that is traceable to:

49 (1) An award under a crime victim's reparation law;

50 (2) A payment on account of the wrongful death of an individual of whom the debtor was
51 a dependent, to the extent reasonably necessary for the support of the debtor and any dependent
52 of the debtor;

53 (3) All life insurance proceeds paid to the debtor as a beneficiary, any annuities, other than
54 those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary, or any
55 annuities or life insurance policies owned by the debtor which are payable to someone other than
56 the debtor, including any applicable cash surrender value.

57 (4) A payment, not to exceed \$50,000 on account of personal bodily injury, not including
58 pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of
59 whom the debtor is a dependent;

60 (5) A payment in compensation of loss of future earnings of the debtor or an individual of
61 whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the
62 debtor and any dependent of the debtor;

63 (6) Payments made to the prepaid tuition trust fund or to the savings plan trust fund,
64 including earnings, in accordance with §18-30-1 *et seq.* of this code on behalf of any beneficiary.

65 (k) Solely for the purpose of applying the provisions of 11 U.S.C. § 522(b)(2) in a federal
66 bankruptcy proceeding and only to the extent otherwise allowed by applicable federal law, an
67 individual debtor domiciled in this state may exempt from property of the debtor's bankruptcy
68 estate the property specified under 11 U.S.C. § 522(d).

69 (l) The amendments made to this section during the 2023 regular session of the
70 Legislature shall apply to bankruptcies filed on or after the effective date of those amendments.



WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2509

BY DELEGATE STEELE

[Passed March 9, 2023; in effect ninety days from
passage.]

68

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §48-1A-101, §48-1A-201, §48-1A-301, §48-1A-401, §48-1A-501, §48-1A-601,
3 §48-1A-701, §48-1A-801, §48-1A-901 §48-1A-1001, and §48-1A-1101 all relating to the
4 Uniform Premarital Agreement Act; defining terms; providing requirements and content of
5 agreement; providing for the effect of marriage; describing amendment, revocation and
6 enforcement of such agreements; describing unenforceable terms; providing for tolling of
7 statute of limitations; providing application and construction of article; providing effective
8 date; and setting forth short title.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. UNIFORM PREMARITAL AGREEMENT ACT.

§48-1A-101. Definitions.

1 As used in this article:

2 (a) "Premarital agreement" means an agreement between prospective spouses made in
3 contemplation of marriage and to be effective upon marriage and includes the definition of the
4 term prenuptial agreement as set forth in §48-1-203 of this code.

5 (b) "Property" means an interest, present or future, legal or equitable, vested or contingent,
6 in real or personal property including income and earnings.

§48-1A-201. Formalities.

1 A premarital agreement must be in writing and signed by both parties and contain an
2 acknowledgement that both parties have had an opportunity to consult with separate legal
3 counsel. It is enforceable without consideration.

§48-1A-301. Content.

1 (a) Parties to a premarital agreement may contract with respect to:

2 (1) The rights and obligations of each of the parties in any of the property of either or both
3 of them whenever and wherever acquired or located;

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4 (2) The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,
5 assign, create a security interest in, mortgage, encumber, dispose of or otherwise manage and
6 control property;

7 (3) The disposition of property upon separation, marital dissolution, death or the
8 occurrence or nonoccurrence of any other event;

9 (4) The modification or elimination of spousal support;

10 (5) The making of a will, trust, or other arrangement to carry out the provisions of the
11 agreement;

12 (6) The ownership rights in and disposition of the death benefit from a life insurance policy;

13 (7) The choice of law governing the construction of the agreement; and

14 (8) Any other matter, including their personal rights and obligations, not in violation of
15 public policy or a statute imposing a criminal penalty.

16 (b) The right of a child to support may not be adversely affected by premarital agreement.

§48-1A-401. Effect of marriage.

1 A premarital agreement becomes effective upon marriage.

§48-1A-501. Amendment; revocation.

1 After marriage, a premarital agreement may be amended or revoked only by a written
2 agreement signed by the parties. The amended agreement, or the revocation, is enforceable
3 without consideration.

§48-1A-601. Enforcement.

1 (a) A premarital agreement is not enforceable if the party against whom enforcement is
2 sought proves that:

3 (1) That party did not execute the agreement voluntarily;

4 (2) Either party was under the age of 18 when the marriage occurred; or

5 (3) The agreement was unconscionable when it was executed and, before execution of
6 the agreement, that party:

7 (A) Was not provided adequate financial disclosures of the other party as set forth in
8 subsection (b) of this section;

9 (B) Did not voluntarily and expressly waive, in writing, any right to disclosure of the
10 property or financial obligations of the other party beyond the disclosure provided; and

11 (C) Did not have, or reasonably could not have had, an adequate knowledge of the
12 property or financial obligations of the other party.

13 (b) A party has adequate financial disclosure under this section if the party:

14 (1) Receives a reasonably accurate description and good-faith estimate of value of the
15 property, liabilities, and income of the other party;

16 (2) Expressly waives, in a separate signed record, the right to financial disclosure beyond
17 the disclosure provided; or

18 (3) Has adequate knowledge, or a reasonable basis for having adequate knowledge, of
19 the information described in subdivision (1) of this section.

20 (c) If a provision of a premarital agreement modifies or eliminates spousal support and
21 that modification or elimination causes one party to the agreement to be eligible for support under
22 a program of public assistance at the time of separation or marital dissolution, the family court,
23 notwithstanding the terms of the agreement, may require the other party to provide support to the
24 extent necessary to avoid that eligibility.

25 (d) A court may refuse to enforce a term of a premarital agreement if, in the context of the
26 agreement taken as a whole:

27 (1) The term was unconscionable at the time of signing; or

28 (2) Enforcement of the term would result in substantial hardship for a party because of a
29 material change in circumstances arising after the agreement was signed.

30 (e) The issues of unconscionability of a premarital agreement or substantial hardship shall
31 be decided by the family court as a matter of law.

§48-1A-701. Unenforceable terms.

1 (a) A term in a premarital agreement or marital agreement is not enforceable to the extent
2 that it:

3 (1) Adversely affects a child's right to support;

4 (2) Limits or restricts a remedy available to a victim of domestic violence under law of this
5 state;

6 (3) Purports to modify the grounds for a court-decreed separation or marital dissolution
7 available under the law of this state; or

8 (4) penalizes a party for initiating a legal proceeding leading to a court-decreed separation
9 or marital dissolution.

10 (b) A term in a premarital agreement or marital agreement which defines the rights or
11 duties of the parties regarding custodial responsibility is not binding on the court.

§48-1A-801. Enforcement; void marriage.

1 If a marriage is determined to be void, an agreement that would otherwise have been a
2 premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

§48-1A-901. Limitation of actions.

1 Any statute of limitations applicable to an action asserting a claim for relief under a
2 premarital agreement is tolled during the marriage of the parties to the agreement. However,
3 equitable defenses limiting the time for enforcement, including laches and estoppel, are available
4 to either party.

§48-1A-1001. Application; construction; and effective date.

1 (a) This article shall be applied and construed to effectuate its general purpose to make
2 uniform the law with respect to the subject of this article among states enacting it.

3 (b) This article applies to premarital agreements signed on or after July 1, 2023.

§48-1A-1101. Short title.

1 This article may be cited as the "Uniform Premarital Agreement Act."

Senators Trump, Azinger, Chapman, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Taylor moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. MARRIAGES.

§48-2-103. Waiting period before issuance of marriage license; issuance of license in case of emergency or extraordinary circumstances.

[Repealed.]

§48-2-106. Proof of age.

~~(a)~~ At the time of the execution of the application, the clerk or ~~the other~~ person administering the oath to the applicants shall require evidence of the age of each of the applicants and shall not issue a license until it has been confirmed that each applicant satisfies the age requirements for marriage set forth by §48-2-301 of this code. Evidence of age may be as follows:

- (1) A certified copy of a birth certificate or a duplicate certificate produced by any means that accurately reproduces the original;
- (2) A voter's registration certificate;
- (3) An operator's or chauffeur's license;
- (4) The affidavit of both parents or the legal guardian of the applicant; or
- (5) Other good and sufficient evidence.

~~(b) If an affidavit is relied upon as evidence of the age of an applicant, and if one parent is dead, the affidavit of the surviving parent or of the guardian of the applicant is sufficient. If both parents are dead, the affidavit of the guardian of the applicant is sufficient. If the parents of the applicant live separate and apart, the affidavit of the parent having custody of the applicant is sufficient.~~

PART 3. CAPACITY TO MARRY.

§48-2-301. Age of consent for marriage; exception.

~~(a) The age of consent for marriage for both the male and the female is eighteen years of age. A person under the age of eighteen lacks the capacity to contract a marriage without the consent required by this section.~~

~~(b) The clerk of the county commission may issue a marriage license to an applicant who is under the age of eighteen but sixteen years of age or older if the clerk obtains a valid written~~

~~consent from the applicant's parents or legal guardian:~~

~~(c) Upon order of a circuit judge, the clerk of the county commission may issue a marriage license to an applicant who is under the age of sixteen, if the clerk obtains a valid written consent from the applicant's parents or legal guardian. A circuit judge of the county in which the application for a marriage license is filed may order the clerk of the county commission to issue a license to an applicant under the age of sixteen if, in the court's discretion, the issuance of a license is in the best interest of the applicant and if consent is given by the parents or guardian.~~

~~(d) A consent to marry must be duly acknowledged before an officer authorized to acknowledge a deed. If the parents are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the applicant's legal guardian is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian is required. If both parents are dead, the signature of the applicant's legal guardian is required. If the parents of the applicant are living separate and apart, the signature of the parent having custody of the applicant or the applicant's legal guardian is required.~~

~~(e) If a person under the age of consent is married in violation of this section, the marriage is not void for this reason, and such marriage is valid until it is actually annulled.~~

~~(f) A marriage by an underage person without a valid consent as required by this section, though voidable at the time it is entered into, may be ratified and become completely valid and binding when the underage party reaches the age of consent. Validation of a marriage by ratification is established by some unequivocal and voluntary act, statement, or course of conduct after reaching the age of consent. Ratification includes, but is not limited to, continued cohabitation as husband and wife after the age of consent is attained.~~

(a) The age of consent for marriage for all persons, both male and female, is 18 years of age. A person under the age of 18 lacks the capacity to marry without the consents required by this section.

(b) The clerk of the county commission may issue a marriage license to an applicant who is under the age of 18 but at least 16 years of age if the clerk obtains valid written consent from the applicant and from the applicant's parent or parents or the applicant's legal guardian or guardians as outlined in this section: *Provided*, That a marriage license may not be issued to an applicant who is under the age of 18 but who is at least 16 years of age if the person whom the applicant seeks to marry is more than four years older than the applicant.

(c) An applicant who is under the age of 18 but who is at least 16 years of age must give his or her signed and acknowledged affirmation that he or she is freely and voluntarily choosing to enter into a marriage with the person named in the application as part of the written consent required by this section. The applicant must also provide, as part of the same written consent, a signed and acknowledged affirmation that his or her decision to enter into the marriage is not the product of duress or coercion by any person.

(d) A consent to marry must be duly acknowledged before an officer authorized to acknowledge a deed. If the parents of the applicant are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the signature of the applicant's legal guardian or guardians is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian or guardians is required. If both parents are dead, the signature of the applicant's legal guardian or guardians is required. If the parents of the applicant are living separate and apart, the signature of the parent or parents having decision-making authority for the applicant, or the applicant's legal guardian or guardians is required: *Provided, That, if the applicant's parents are separate and apart or divorced but have substantially equal parenting rights over the applicant, the signature of both parents is required.*

(e) A person who is under the age of 18 but at least 16 years of age and who is married in accordance with the provisions of this section may petition, without the consent of his or her parents or legal guardian or guardians, for an annulment of that marriage until he or she reaches 18 years of age.

(f) Nothing in this section may serve to annul or void a marriage entered into prior to the re-enactment of this statute during the 2023 Regular Session of the Legislature, nor shall it serve to annul or void an otherwise legal marriage entered into in a jurisdiction outside of the State of West Virginia.

75

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

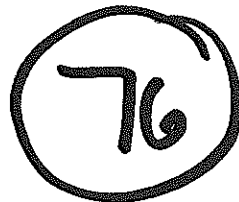
for

House Bill 3270

By Delegates Hott, Westfall, Householder, Criss,
Espinosa, Hardy, Cooper, Heckert, Howell,
Hillenbrand and Jennings

[Originating in the Committee on the Judiciary;

Reported on February 24, 2023]



1 A BILL to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto three new sections, designated §23-4-2a, §23-4-2b
3 and §23-4-2c, all relating to the deliberate intent exception to the immunities provided
4 under Workers Compensation by clarifying the definition of employee, requiring bifurcation
5 of discovery upon request of the defendant, and establishing a limit on noneconomic loss.

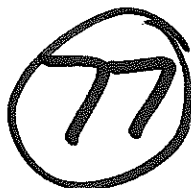
Be it enacted by the Legislature of West Virginia:

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

**§23-4-2. Disbursement where injury is self-inflicted or intentionally caused by employer;
legislative declarations and findings; "deliberate intention" defined.**

1 (a) Notwithstanding anything contained in this chapter, no employee or dependent of any
2 employee is entitled to receive any sum under the provisions of this chapter on account of any
3 personal injury to or death to any employee caused by a self-inflicted injury or the intoxication of
4 the employee. Upon the occurrence of an injury which the employee asserts, or which reasonably
5 appears to have, occurred in the course of and resulting from the employee's employment, the
6 employer may require the employee to undergo a blood test for the purpose of determining the
7 existence or nonexistence of evidence of intoxication: *Provided*, That the employer must have a
8 reasonable and good faith objective suspicion of the employee's intoxication and may only test for
9 the purpose of determining whether the person is intoxicated. If any blood test for intoxication is
10 given following an accident, at the request of the employer or otherwise, and if any of the following
11 are true, the employee is deemed intoxicated and the intoxication is the proximate cause of the
12 injury:

13 (1) If a blood test is administered within two hours of the accident and evidence that there
14 was, at that time, more than five hundredths of one percent, by weight, of alcohol in the
15 employee's blood; or



16 (2) If there was, at the time of the blood test, evidence of either on or off the job use of a
17 nonprescribed controlled substance as defined in the West Virginia Uniform Controlled
18 Substances Act, West Virginia Code §60A-2-201, *et seq.*, Schedules I, II, III, IV and V.

19 ~~(b) For the purpose of this chapter, supervisors and managers who are responsible for~~
20 ~~providing safe working conditions and whose job duties include eliminating or ameliorating that~~
21 ~~condition giving rise to liability are not employees.~~

22 (b) For the purpose of this chapter, the commission may cooperate with the Office of
23 Miners' Health, Safety and Training and the State Division of Labor in promoting general safety
24 programs and in formulating rules to govern hazardous employments.

25 (c) If injury results to any employee from the deliberate intention of his or her employer to
26 produce the injury or death, the employee, or, if the employee has been found to be incompetent,
27 his or her conservator or guardian, may recover under this chapter and bring a cause of action
28 against the employer, as if this chapter had not been enacted, for any excess of damages over the
29 amount received or receivable in a claim for benefits under this chapter. If death results to any
30 employee from the deliberate intention of his or her employer to produce the injury or death, the
31 representative of the estate may recover under this chapter and bring a cause of action, pursuant
32 to section six, article seven of chapter fifty-five of this code, against the employer, as if this chapter
33 had not been enacted, for any excess of damages over the amount received or receivable in a
34 claim for benefits under this chapter. To recover under this section, the employee, the employee's
35 representative or dependent, as defined under this chapter, must, unless good cause is shown,
36 have filed a claim for benefits under this chapter.

37 (d)(1) It is declared that enactment of this chapter and the establishment of the workers'
38 compensation system in this chapter was and is intended to remove from the common law tort
39 system all disputes between or among employers and employees regarding the compensation to
40 be received for injury or death to an employee except as expressly provided in this chapter and to
41 establish a system which compensates even though the injury or death of an employee may be

42 caused by his or her own fault or the fault of a co-employee; that the immunity established in
43 sections six and six-a, article two of this chapter is an essential aspect of this workers'
44 compensation system; that the intent of the Legislature in providing immunity from common
45 lawsuit was and is to protect those immunized from litigation outside the workers' compensation
46 system except as expressly provided in this chapter; that, in enacting the immunity provisions of
47 this chapter, the Legislature intended to create a legislative standard for loss of that immunity of
48 more narrow application and containing more specific mandatory elements than the common law
49 tort system concept and standard of willful, wanton and reckless misconduct; and that it was and is
50 the legislative intent to promote prompt judicial resolution of the question of whether a suit
51 prosecuted under the asserted authority of this section is or is not prohibited by the immunity
52 granted under this chapter.

53 (2) The immunity from suit provided under this section and under sections six and six-a,
54 article two of this chapter may be lost only if the employer or person against whom liability is
55 asserted acted with "deliberate intention". This requirement may be satisfied only if:

56 (A) It is proved that the employer or person against whom liability is asserted acted with a
57 consciously, subjectively and deliberately formed intention to produce the specific result of injury
58 or death to an employee. This standard requires a showing of an actual, specific intent and may
59 not be satisfied by allegation or proof of: (i) Conduct which produces a result that was not
60 specifically intended; (ii) conduct which constitutes negligence, no matter how gross or
61 aggravated; or (iii) willful, wanton or reckless misconduct; or

62 (B) The trier of fact determines, either through specific findings of fact made by the court in
63 a trial without a jury, or through special interrogatories to the jury in a jury trial, that all of the
64 following facts are proven:

65 (i) That a specific unsafe working condition existed in the workplace which presented a
66 high degree of risk and a strong probability of serious injury or death;

67 (ii) That the employer, prior to the injury, had actual knowledge of the existence of the
68 specific unsafe working condition and of the high degree of risk and the strong probability of
69 serious injury or death presented by the specific unsafe working condition.

70 (I) In every case actual knowledge must specifically be proven by the employee or other
71 person(s) seeking to recover under this section, and shall not be deemed or presumed: *Provided*,
72 That actual knowledge may be shown by evidence of intentional and deliberate failure to conduct
73 an inspection, audit or assessment required by state or federal statute or regulation and such
74 inspection, audit or assessment is specifically intended to identify each alleged specific unsafe
75 working condition.

76 (II) Actual knowledge is not established by proof of what an employee's immediate
77 supervisor or management personnel should have known had they exercised reasonable care or
78 been more diligent.

79 (III) Any proof of the immediate supervisor or management personnel's knowledge of prior
80 accidents, near misses, safety complaints or citations from regulatory agencies must be proven by
81 documentary or other credible evidence.

82 (iii) That the specific unsafe working condition was a violation of a state or federal safety
83 statute, rule or regulation, whether cited or not, or of a commonly accepted and well-known safety
84 standard within the industry or business of the employer.

85 (I) If the specific unsafe working condition relates to a violation of a commonly accepted
86 and well-known safety standard within the industry or business of the employer, that safety
87 standard must be a consensus written rule or standard promulgated by the industry or business of
88 the employer, such as an organization comprised of industry members: *Provided*, That the
89 National Fire Protection Association Codes and Standards or any other industry standards for
90 Volunteer Fire Departments shall not be cited as an industry standard for Volunteer Fire
91 Departments, Municipal Fire Departments and Emergency Medical Response Personnel as an
92 unsafe working condition as long as the Volunteer Fire Departments, Municipal Fire Departments

93 and the Emergency Medical Response Personnel have followed the Rules that have been
94 promulgated by the Fire Commission.

95 (II) If the specific unsafe working condition relates to a violation of a state or federal safety
96 statute, rule or regulation that statute, rule or regulation:

97 (a) Must be specifically applicable to the work and working condition involved as
98 contrasted with a statute, rule, regulation or standard generally requiring safe workplaces,
99 equipment or working conditions;

100 (b) Must be intended to address the specific hazard(s) presented by the alleged specific
101 unsafe working condition; and,

102 (c) The applicability of any such state or federal safety statute, rule or regulation is a matter
103 of law for judicial determination.

104 (iv) That notwithstanding the existence of the facts set forth in subparagraphs (i) through
105 (iii), inclusive, of this paragraph, the person or persons alleged to have actual knowledge under
106 subparagraph (ii) nevertheless intentionally thereafter exposed an employee to the specific unsafe
107 working condition; and

108 (v) That the employee exposed suffered serious compensable injury or compensable
109 death as defined in section one, article four, chapter twenty-three as a direct and proximate result
110 of the specific unsafe working condition. For the purposes of this section, serious compensable
111 injury may only be established by one of the following four methods:

112 (I) It is shown that the injury, independent of any preexisting impairment:

113 (a) Results in a permanent physical or combination of physical and psychological injury
114 rated at a total whole person impairment level of at least thirteen percent (13%) as a final award in
115 the employees workers' compensation claim; and

116 (b) Is a personal injury which causes permanent serious disfigurement, causes permanent
117 loss or significant impairment of function of any bodily organ or system, or results in objectively

118 verifiable bilateral or multi-level dermatomal radiculopathy; and is not a physical injury that has no
119 objective medical evidence to support a diagnosis; or

120 (II) Written certification by a licensed physician that the employee is suffering from an injury
121 or condition that is caused by the alleged unsafe working condition and is likely to result in death
122 within eighteen (18) months or less from the date of the filing of the complaint. The certifying
123 physician must be engaged or qualified in a medical field in which the employee has been treated,
124 or have training and/or experience in diagnosing or treating injuries or conditions similar to those of
125 the employee and must disclose all evidence upon which the written certification is based,
126 including, but not limited to, all radiographic, pathologic or other diagnostic test results that were
127 reviewed.

128 (III) If the employee suffers from an injury for which no impairment rating may be
129 determined pursuant to the rule or regulation then in effect which governs impairment evaluations
130 pursuant to this chapter, serious compensable injury may be established if the injury meets the
131 definition in subclause (I)(b).

132 (IV) If the employee suffers from an occupational pneumoconiosis, the employee must
133 submit written certification by a board certified pulmonologist that the employee is suffering from
134 complicated pneumoconiosis or pulmonary massive fibrosis and that the occupational
135 pneumoconiosis has resulted in pulmonary impairment as measured by the standards or methods
136 utilized by the West Virginia Occupational Pneumoconiosis Board of at least fifteen percent (15%)
137 as confirmed by valid and reproducible ventilatory testing. The certifying pulmonologist must
138 disclose all evidence upon which the written certification is based, including, but not limited to, all
139 radiographic, pathologic or other diagnostic test results that were reviewed: *Provided*, That any
140 cause of action based upon this clause must be filed within one year of the date the employee
141 meets the requirements of the same; *Provided further*, That the employee asserting a cause of
142 action based upon this clause must prove that the employer fraudulently concealed or
143 manipulated dust samples or air quality samples.

144 (C) In cases alleging liability under the provisions of paragraph (B) of this subdivision:

145 (i) The employee, the employee's guardian or conservator, or the representative of the
146 employee's estate shall serve with the complaint a verified statement from a person with
147 knowledge and expertise of the workplace safety statutes, rules, regulations and consensus
148 industry safety standards specifically applicable to the industry and workplace involved in the
149 employee's injury, setting forth opinions and information on:

150 (I) The person's knowledge and expertise of the applicable workplace safety statutes,
151 rules, regulations and/or written consensus industry safety standards;

152 (II) The specific unsafe working condition(s) that were the cause of the injury that is the
153 basis of the complaint; and

154 (III) The specific statutes, rules, regulations or written consensus industry safety standards
155 violated by the employer that are directly related to the specific unsafe working conditions:
156 *Provided, however,* That this verified statement shall not be admissible at the trial of the action and
157 the Court, pursuant to the Rules of Evidence, common law and subclause two-c, subparagraph
158 (iii), paragraph (B), subdivision (2), subsection (d), section two, article four, chapter twenty-three of
159 this code, retains responsibility to determine and interpret the applicable law and admissibility of
160 expert opinions.

161 (ii) No punitive or exemplary damages shall be awarded to the employee or other plaintiff;

162 (iii) Notwithstanding any other provision of law or rule to the contrary, and consistent with
163 the legislative findings of intent to promote prompt judicial resolution of issues of immunity from
164 litigation under this chapter, the employer may request and the court shall give due consideration
165 to the bifurcation of discovery in any action brought under the provisions of subparagraphs (i)
166 through (v), of paragraph (B) such that the discovery related to liability issues be completed before
167 discovery related to damage issues. The court shall dismiss the action upon motion for summary
168 judgment if it finds pursuant to rule 56 of the rules of civil procedure that one or more of the facts
169 required to be proved by the provisions of subparagraphs (i) through (v), inclusive, paragraph (B)

170 of this subdivision do not exist, and the court shall dismiss the action upon a timely motion for a
171 directed verdict against the plaintiff if after considering all the evidence and every inference
172 legitimately and reasonably raised thereby most favorably to the plaintiff, the court determines that
173 there is not sufficient evidence to find each and every one of the facts required to be proven by the
174 provisions of subparagraphs (i) through (v), inclusive, paragraph (B) of this subdivision; and

175 (iv) The provisions of this paragraph and of each subparagraph thereof are severable from
176 the provisions of each other subparagraph, subsection, section, article or chapter of this code so
177 that if any provision of a subparagraph of this paragraph is held void, the remaining provisions of
178 this act and this code remain valid.

179 (e) Any cause of action brought pursuant to this section shall be brought either in the circuit
180 court of the county in which the alleged injury occurred or the circuit court of the county of the
181 employer's principal place of business. With respect to causes of action arising under this chapter,
182 the venue provisions of this section shall be exclusive of and shall supersede the venue provisions
183 of any other West Virginia statute or rule.

184 (f) The reenactment of this section in the regular session of the Legislature during the year
185 2015 does not in any way affect the right of any person to bring an action with respect to or upon
186 any cause of action which arose or accrued prior to the effective date of the reenactment.

187 (g) The amendments to this section enacted during the 2023 session of the Legislature
188 shall apply to all injuries occurring on or after July 1, 2023.

§23-4-2a. Limit on liability for noneconomic loss.

1 (a) In any action brought pursuant to this article, the maximum amount recoverable as
2 compensatory damages for noneconomic loss may not exceed the higher of two times the
3 economic damages before offset or \$250,000 \$500,000 for each occurrence person, regardless of
4 the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of
5 the number of distributees.

A handwritten number '84' is circled in black ink.

6 (b) On January 1, 2024, and in each year thereafter, the limitation for compensatory
7 damages contained in subsection (a) of this section shall increase to account for inflation by an
8 amount equal to the Consumer Price Index published by the United States Department of Labor,
9 not to exceed one hundred fifty percent of the amounts specified in said subsections.

10 (c) This section shall become effective for causes of action accruing on or after July 1,
11 2023.

§23-4-2b. Reduction in compensatory damages for economic losses for payments from collateral sources for the same injury.

1 (a) In any action arising after the effective date of this section, a defendant who has been
2 found liable to the plaintiff for damages for medical care, rehabilitation services, lost earnings or
3 other economic losses may present to the court, after the trier of fact has rendered a verdict, but
4 before entry of judgment, evidence of payments the plaintiff has received for the same injury from
5 collateral sources;

6 (b) In a hearing held pursuant to subsection (a) of this section, the defendant may present
7 evidence of future payments from collateral sources if the court determines that:

8 (1) There is a preexisting contractual or statutory obligation on the collateral source to pay
9 the benefits;

10 (2) The benefits, to a reasonable degree of certainty, will be paid to the plaintiff for
11 expenses the trier of fact has determined the plaintiff will incur in the future; and

12 (3) The amount of the future expenses is readily reducible to a sum certain.

13 (c) In a hearing held pursuant to subsection (a) of this section, the plaintiff may present
14 evidence of the value of payments or contributions he or she has made to secure the right to the
15 benefits paid by the collateral source.

16 (d) After hearing the evidence presented by the parties, the court shall make the following
17 findings of fact:

18 (1) The total amount of damages for economic loss found by the trier of fact;

19 ~~(2) The total amount of damages for each category of economic loss found by the trier of~~
20 ~~fact;~~

21 ~~(3) The total amount of allowable collateral source payments received or to be received by~~
22 ~~the plaintiff for the medical injury which was the subject of the verdict in each category of economic~~
23 ~~loss; and~~

24 ~~(4) The total amount of any premiums or contributions paid by the plaintiff in exchange for~~
25 ~~the collateral source payments in each category of economic loss found by the trier of fact.~~

26 ~~(e) The court shall subtract the total premiums the plaintiff was found to have paid in each~~
27 ~~category of economic loss from the total collateral source benefits the plaintiff received with regard~~
28 ~~to that category of economic loss to arrive at the net amount of collateral source payments.~~

29 ~~(f) The court shall then subtract the net amount of collateral source payments received or~~
30 ~~to be received by the plaintiff in each category of economic loss from the total amount of damages~~
31 ~~awarded the plaintiff by the trier of fact for that category of economic loss to arrive at the adjusted~~
32 ~~verdict.~~

33 ~~(g) The court may not reduce the verdict rendered by the trier of fact in any category of~~
34 ~~economic loss to reflect:~~

35 ~~(1) Amounts paid to or on behalf of the plaintiff which the collateral source has a right to~~
36 ~~recover from the plaintiff through subrogation, lien or reimbursement;~~

37 ~~(2) Amounts in excess of benefits actually paid or to be paid on behalf of the plaintiff by a~~
38 ~~collateral source in a category of economic loss;~~

39 ~~(3) The proceeds of any individual disability or income replacement insurance paid for~~
40 ~~entirely by the plaintiff;~~

41 ~~(4) The assets of the plaintiff or the members of the plaintiff's immediate family; or~~

42 ~~(5) A settlement between the plaintiff and another tortfeasor.~~

43 ~~(h) After determining the amount of the adjusted verdict, the court shall enter judgment in~~
44 ~~accordance with the provisions of section nine of this article.~~

45 ~~(i) This section becomes effective on July 1, 2023.~~

~~§23-4-2c. Fees of attorney for claimant; unlawful charging or receiving of attorney fees; effective until June 30, 2022.~~

1 ~~(a) An attorney's fee in excess of 20 percent of any award granted may not be charged or~~
2 ~~received by an attorney for a claimant or dependent.~~

3 ~~(b) Where an attorney has been awarded attorney's fees and costs in a deliberate intention~~
4 ~~suit under §23-4-2 of this code, that attorney's fee shall be capped under the provisions of §23-4-~~
5 ~~2b(a) of this code, and the attorney's costs for travel, transportation, meals, and other incidental~~
6 ~~charges, shall be capped at the maximum allowable rate set for Federal employees for such costs~~
7 ~~as established by the travel rules prescribed for such employees by the U.S. General Services~~
8 ~~Administration in the relevant year.~~

9 ~~(c) This section becomes effective on July 1, 2023.~~

NOTE: The purpose of this bill is to amend the deliberate intent statute to limit noneconomic damages to the higher of two time economic damages before offset or \$500,000 per person.

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

87

Senate Bill 220

COMMITTEE SUBSTITUTE

SHORT TITLE: Industrial Hemp Development Act.

CODE REFERENCE: New Adds a new §19-12E-12, adds a new article §19-12F-1 et seq. and adds a new article 60-10-1 et seq.

SUMMARY: The purpose of the bill is to regulate the processing, distribution and sale of Kratom and certain hemp-derived cannabinoids for human consumption (delta-8, delta-10 tetrahydrocannabinols) under the Commissioner of Agriculture.

- (1) Hemp-derived cannabinoids are regulated by the new section §19-12E-12, Kratom by the new article 19-12E-1 *et seq.* The agricultural products are separated as hemp is already regulated by the Commissioner of Agriculture.
- (2) The bill limits sales of Kratom and Hemp-derived cannabinoids to persons 21 years of age and older.
- (3) Sets up a regulatory scheme for both products designed to limit physical availability of the products.
- (4) Authorizes the ABCA Commission to assist in enforcing regulations on the products at the retail level.
- (5) Imposes an excise tax of 11% on the sale of the products, the proceeds of which are divided between the Commissioner of Agriculture, the anti- drug fund, and the general fund and ABCA.
- (6) Declares products not approved by the Commissioner to be contraband and subject to seizure, forfeiture, and destruction.
- (7) Creates a number of new criminal offenses for unlawful possession, distribution, and sale of unapproved products and distributing to persons under 21.
- (8) Grants ABCA enforcement authority in the new article 60-10- 1 et seq.

DATE OF PASSAGE: March 11, 2023

EFFECTIVE DATE: June 9, 2023

ACTION BY GOVERNOR: [Action] [Date]

88

Senate Bill 573

COMMITTEE SUBSTITUTE

SHORT TITLE: Relating to child support guidelines and Support Enforcement Commission.

CODE REFERENCE: Amends and Reenacts §48-1-205, §48-13-301, §48-13-303, §48-13-403, §48-13-404, and §48-13-501

SUMMARY: As background, much of this proposed legislation related to child support obligations is designed to bring West Virginia into compliance with federal law as a lack of compliance could jeopardize federal funding.

The factors a court evaluates when attributing income are revised to include noncustodial parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, physical and mental health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the noncustodial parent, prevailing earnings level in the local community, and other relevant background factors in the case.

A new subsection is also added which provides that income is not attributed to an obligor who incarcerated, and incarcerated individuals cannot be treated as voluntarily unemployed when establishing or modifying a support obligation.

The new language found in both the attributing income and incarceration subsections is mandated under federal law (45 CFR 302.56).

The monthly basic child support obligation table, which had not been updated since 1999 and was based on 1997 child rearing costs, is also being updated to reflect 2022 financial data. Of note, lower income obligors get some relief under the new table.

The threshold for a manual calculation for the basic child support obligation is increased from \$1,550 to \$2,600/per month.

The amount for an ability to pay calculation and self-support reserve is increased from \$500 to \$997.

Finally, the multiplier for the extended shared parenting adjustment is increased from 1.5 to 1.6.

89

DATE OF PASSAGE: March 11, 2023

EFFECTIVE DATE: March 11, 2023

ACTION BY GOVERNOR: [Action] [Date]

90

Senate Bill 534

COMMITTEE SUBSTITUTE

SHORT TITLE: Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements.

CODE REFERENCE: New §§8-12-26, 60-7-2a, 60-7-8a, 60-7-8g, 60-8-8g; Amends and Reenacts §§11-16-3, 11-16-6a, 11-16-6d, 11-16-6f, 11-16-8, 11-16-9, 60-3A-3a, 60-3A-8, 60-4-3a, 60-4-3b, 60-7-2, 60-7-6, 60-8A-5, 60-8-27

SUMMARY: The bill:

1. Clarifies amendments made to code in HB 4848 (2022).
2. In order to expand tourism opportunities it grants manufacturing licensees a limited off-site retail privilege at private fairs and festivals when all parties agree to permit such activity.
3. Authorizes municipalities to create private outdoor designated areas that are zoned for alcohol consumption in the area for alcohol drinks sold by qualified permit holders who are also Class A licenses.
4. Allows beer slushies;
5. Requires payment of taxes and fees;
6. Removes time-limited gallonage cap on distilleries, mini-distilleries, and micro-distilleries;
7. Clarifies that micro-distilleries are subject to some general provisions of code applicable to mini-distilleries and distilleries;
8. Creates a private food court license and a private coliseum or center license;
9. Clarifies dual licensing provisions so a fair and festival can dually operate at a private coliseum or center;
10. Permits a private wine restaurant to operate a separately licensed but connected wine specialty shop.
11. Modifies some on-site food requirements to offset food price measures for private club bars and private cigar shops.
12. Updates some definitions and requirements.

13. Allow manufacturers to substitute portable kitchen and food trucks to meet kitchen requirements, but such substitution only permits alcohol sales when the food truck is operating at the manufacturer's location.
14. Permits free standing liquor retail outlets greater freedom for sampling liquor and increases the volume of the sample.
15. Permits an exception to admission to dance hall requirements for a private coliseum center, private food court, and a private outdoor designated area.
16. Prohibits municipalities from requiring at least one alcohol related license if the state already requires a license for the activity.

DATE OF PASSAGE: March 11, 2023

EFFECTIVE DATE: June 9, 2023

ACTION BY GOVERNOR: [Action] [Date]

92

HB 2006

HB 2006 Relating to reorganizing the Department of Health and Human Resources

The bill would amend, repeal and create statutes to divide the existing Department of Health and Human Resources (“DHHR”) into 3 new Departments of the executive branch. The new Department of Human Services (which will assume the powers and duties of DHHR’s Human Services responsibilities), the new Department of Health (which will assume the powers and duties of DHHR’s Health responsibilities), and the new Department of Health Facilities (which will assume the powers and duties of DHHR’s Health Facilities responsibilities) would all be created effective January 1, 2024, at which time the DHHR would be terminated. The Secretaries of DHHR and the 3 new departments must enter into a memorandum of understanding (MOU) to create a new Office of Shared Administration mutually administered by the secretaries that shall coordinate efforts with the Department of Administration to maximize efficiencies and function of services in an effort to contain expenses within the 3 new departments. The Office of Shared Administration shall complete implementation by June 30, 2024 and shall provide quarterly updates to LOCHHRA. Before December 1, 2024, DHHR is required to create and present to the Legislative Oversight Commission on Health and Human Resources Accountability a long-term sustainability plan for each state health facility. The bill enhances the authority of the Office of Inspector General.

Organization:

Department of Human Services

Bureau for Social Services

Bureau for Medical Services

Bureau for Child Support Enforcement

Bureau for Family Assistance

Bureau for Behavioral Health

And any other agency or entity hereinafter established within the Department of Human Services by an act of the Legislature.

Department of Health

Bureau for Public Health

Office of Emergency Medical Services

Office of the Chief Medical Examiner

Center for Threat Preparedness

Health Care Authority

Office of the Inspector General, which shall include:

Office of Health Facility Licensure and Certification

Board of Review

93

Foster Care Ombudsman
Olmstead Office
Investigations and Fraud Management
Quality Control
Mental Health Ombudsman
WV Clearance for Access: Registry and Employment Screening
Human Rights Commission
And any other agency or entity hereinafter established within the Department of Health by an act of the Legislature.

Department of Health Facilities

Hopemont Hospital
Jackie Withrow Hospital
John Manchin, Sr. Health Care Center
Lakin Hospital
Mildred Mitchell-Bateman Hospital
Welch Community Hospital
William R. Sharpe Jr. Hospital
And any other agency or entity hereinafter established within the Department of Human Health Facilities by an act of the Legislature.

94

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3332

BY DELEGATES HANSHAW (MR. SPEAKER), C. PRITT AND

VANCE

(BY REQUEST)

[Passed March 11, 2023; in effect ninety days from passage.]

95

1 AN ACT to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §50-1-2, §50-1-8, §50-1-9, and §50-1-9a of said code; to amend said code
3 by adding thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of
4 said code; and to amend and reenact §51-2A-3 and §51-2A-6 of said code; all relating
5 generally to judicial officers and judicial staff; establishing runoff elections for circuit court
6 judges in certain circumstances; establishing the number of magistrates per county before
7 and after a date certain; establishing magisterial term length and election dates; setting
8 forth process for Supreme Court of Appeals to undertake magistrate caseload study and
9 submit administrative order regarding magistrate allocation; eliminating limit on maximum
10 number of magistrates; eliminating restriction against reducing number of magistrates;
11 removing payment of magistrates salaries based on population; establishing certain
12 magistrate staff salaries and payment periods; authorizing additional magistrate assistants
13 per magistrate based on workload, subject to certain restrictions; altering the county
14 composition of certain circuit court circuits; establishing the number of circuit court judges
15 per circuit before and after a date certain; providing for concurrent jurisdiction in single
16 judge circuit; altering the county composition of certain family court circuits; establishing
17 the number of family court judges per family court circuit before and after a date certain;
18 establishing salaries of family court judges; establishing certain family court staff salaries
19 and payment periods; permitting Supreme Court of Appeals to increase number of family
20 case coordinators; authorizing the Supreme Court of Appeals to create staff classifications
21 and to appoint additional support staff to family court judges based on workload, subject
22 to certain restrictions; and providing internal effective dates.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

96

§3-1-17. Election of circuit judges; county and district officers; magistrates.

1 (a) There shall be elected, at the time of the primary election to be held in 2016, and every
2 eighth year thereafter, one judge of the circuit court of every judicial circuit entitled to one judge,
3 and one judge for each numbered division of the judicial circuit in those judicial circuits entitled to
4 two or more circuit judges; and at the time of the primary election to be held in 2016, and in every
5 fourth year thereafter, the number of magistrates prescribed by law for the county. Beginning with
6 the election held in the year 2016, an election for the purpose of electing judges of the circuit
7 court, or an election for the purpose of electing magistrates, shall be upon a nonpartisan ballot
8 printed for the purpose.

9 (b) There shall be elected, at the general election to be held in 1992, and every fourth year
10 thereafter, a sheriff, prosecuting attorney, surveyor of lands, and the number of assessors
11 prescribed by law for the county; and at the general election to be held in 1990, and every second
12 year thereafter, a commissioner of the county commission for each county; and at the general
13 election to be held in 1992, and every sixth year thereafter, a clerk of the county commission and
14 a clerk of the circuit court for each county.

15 (c) Effective with the primary election of 2016, all elections for judge of the circuit courts in
16 the respective circuits and magistrates in each county will be elected on a nonpartisan basis and
17 by division as set forth more fully in article five of this chapter.

18 (d) Beginning with the judicial election in 2024, and in every judicial election thereafter, if
19 no candidate in a division for judge of a circuit court receives more than 30 percent of the votes
20 cast in the election, there shall be a runoff election at the subsequent general election between
21 the two candidates who received the highest and next-highest number of votes cast in that
22 division.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.



§50-1-2. Number of magistrates.

1 (a) The number of magistrates to be elected in each county of this state shall be
2 determined in accordance with the provisions of this section.

3 (b) Beginning on the effective date of this subsection and until December 31, 2024, the
4 number of magistrates in each county of the state shall be as follows:

5 (1) Barbour County shall have two magistrates;

6 (2) Berkeley County shall have six magistrates;

7 (3) Boone County shall have two magistrates;

8 (4) Braxton County shall have two magistrates;

9 (5) Brooke County shall have two magistrates;

10 (6) Cabell County shall have seven magistrates;

11 (7) Calhoun County shall have two magistrates;

12 (8) Clay County shall have two magistrates;

13 (9) Doddridge County shall have two magistrates;

14 (10) Fayette County shall have four magistrates;

15 (11) Gilmer County shall have two magistrates;

16 (12) Grant County shall have two magistrates;

17 (13) Greenbrier County shall have three magistrates;

18 (14) Hampshire County shall have two magistrates;

19 (15) Hancock County shall have three magistrates;

20 (16) Hardy County shall have two magistrates;

21 (17) Harrison County shall have five magistrates;

22 (18) Jackson County shall have two magistrates;

23 (19) Jefferson County shall have three magistrates;

24 (20) Kanawha County shall have 10 magistrates;

25 (21) Lewis County shall have two magistrates;



- 26 (22) Lincoln County shall have two magistrates;
- 27 (23) Logan County shall have three magistrates;
- 28 (24) Marion County shall have four magistrates;
- 29 (25) Marshall County shall have three magistrates;
- 30 (26) Mason County shall have two magistrates;
- 31 (27) McDowell County shall have three magistrates;
- 32 (28) Mercer County shall have five magistrates;
- 33 (29) Mineral County shall have two magistrates;
- 34 (30) Mingo County shall have three magistrates;
- 35 (31) Monongalia County shall have four magistrates: *Provided*, That effective July 1, 2023,
- 36 Monongalia County shall have five magistrates, and the initial appointment for the additional
- 37 magistrate shall be made in accordance with the provisions of §50-1-6 of this code;
- 38 (32) Monroe County shall have two magistrates;
- 39 (33) Morgan County shall have two magistrates;
- 40 (34) Nicholas County shall have three magistrates;
- 41 (35) Ohio County shall have four magistrates;
- 42 (36) Pendleton County shall have two magistrates;
- 43 (37) Pleasants County shall have two magistrates;
- 44 (38) Pocahontas County shall have two magistrates;
- 45 (39) Preston County shall have three magistrates;
- 46 (40) Putnam County shall have three magistrates;
- 47 (41) Raleigh County shall have five magistrates;
- 48 (42) Randolph County shall have three magistrates;
- 49 (43) Ritchie County shall have two magistrates;
- 50 (44) Roane County shall have two magistrates;
- 51 (45) Summers County shall have two magistrates;



- 52 (46) Taylor County shall have two magistrates;
- 53 (47) Tucker County shall have two magistrates;
- 54 (48) Tyler County shall have two magistrates;
- 55 (49) Upshur County shall have two magistrates;
- 56 (50) Wayne County shall have three magistrates;
- 57 (51) Webster County shall have two magistrates;
- 58 (52) Wetzel County shall have two magistrates;
- 59 (53) Wirt County shall have two magistrates;
- 60 (54) Wood County shall have four magistrates; and
- 61 (55) Wyoming County shall have three magistrates.

62 (c) Beginning on January 1, 2025, the number of magistrates in each county of the state
63 shall be as follows:

64 (1) Barbour County shall have two magistrates, who shall be elected at the regularly
65 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

66 (2) Berkeley County shall have seven magistrates, who shall be elected at the regularly
67 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

68 (3) Boone County shall have two magistrates, who shall be elected at the regularly
69 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

70 (4) Braxton County shall have two magistrates, who shall be elected at the regularly
71 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

72 (5) Brooke County shall have two magistrates, who shall be elected at the regularly
73 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

74 (6) Cabell County shall have seven magistrates, who shall be elected at the regularly
75 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

76 (7) Calhoun County shall have two magistrates, who shall be elected at the regularly
77 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

78 (8) Clay County shall have two magistrates, who shall be elected at the regularly
79 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

80 (9) Doddridge County shall have two magistrates, who shall be elected at the regularly
81 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

82 (10) Fayette County shall have four magistrates, who shall be elected at the regularly
83 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

84 (11) Gilmer County shall have two magistrates, who shall be elected at the regularly
85 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

86 (12) Grant County shall have two magistrates, who shall be elected at the regularly
87 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

88 (13) Greenbrier County shall have three magistrates, who shall be elected at the regularly
89 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

90 (14) Hampshire County shall have two magistrates, who shall be elected at the regularly
91 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

92 (15) Hancock County shall have three magistrates, who shall be elected at the regularly
93 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

94 (16) Hardy County shall have two magistrates, who shall be elected at the regularly
95 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

96 (17) Harrison County shall have five magistrates, who shall be elected at the regularly
97 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

98 (18) Jackson County shall have two magistrates, who shall be elected at the regularly
99 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

100 (19) Jefferson County shall have four magistrates, who shall be elected at the regularly
101 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

102 (20) Kanawha County shall have 13 magistrates, who shall be elected at the regularly
103 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

104 (21) Lewis County shall have two magistrates, who shall be elected at the regularly
105 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

106 (22) Lincoln County shall have two magistrates, who shall be elected at the regularly
107 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

108 (23) Logan County shall have four magistrates, who shall be elected at the regularly
109 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

110 (24) Marion County shall have four magistrates, who shall be elected at the regularly
111 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

112 (25) Marshall County shall have three magistrates, who shall be elected at the regularly
113 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

114 (26) Mason County shall have two magistrates, who shall be elected at the regularly
115 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

116 (27) McDowell County shall have three magistrates, who shall be elected at the regularly
117 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

118 (28) Mercer County shall have five magistrates, who shall be elected at the regularly
119 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

120 (29) Mineral County shall have two magistrates, who shall be elected at the regularly
121 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

122 (30) Mingo County shall have three magistrates, who shall be elected at the regularly
123 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

124 (31) Monongalia County shall have six magistrates, who shall be elected at the regularly
125 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

126 (32) Monroe County shall have two magistrates, who shall be elected at the regularly
127 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

128 (33) Morgan County shall have two magistrates, who shall be elected at the regularly
129 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

130 (34) Nicholas County shall have three magistrates, who shall be elected at the regularly
131 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

132 (35) Ohio County shall have four magistrates, who shall be elected at the regularly
133 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

134 (36) Pendleton County shall have two magistrates, who shall be elected at the regularly
135 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

136 (37) Pleasants County shall have two magistrates, who shall be elected at the regularly
137 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

138 (38) Pocahontas County shall have two magistrates, who shall be elected at the regularly
139 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

140 (39) Preston County shall have three magistrates, who shall be elected at the regularly
141 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

142 (40) Putnam County shall have three magistrates, who shall be elected at the regularly
143 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

144 (41) Raleigh County shall have six magistrates, who shall be elected at the regularly
145 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

146 (42) Randolph County shall have three magistrates, who shall be elected at the regularly
147 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

148 (43) Ritchie County shall have two magistrates, who shall be elected at the regularly
149 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

150 (44) Roane County shall have two magistrates, who shall be elected at the regularly
151 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

152 (45) Summers County shall have two magistrates, who shall be elected at the regularly
153 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

154 (46) Taylor County shall have two magistrates, who shall be elected at the regularly
155 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

156 (47) Tucker County shall have two magistrates, who shall be elected at the regularly
157 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

158 (48) Tyler County shall have two magistrates, who shall be elected at the regularly
159 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

160 (49) Upshur County shall have two magistrates, who shall be elected at the regularly
161 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

162 (50) Wayne County shall have three magistrates, who shall be elected at the regularly
163 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

164 (51) Webster County shall have two magistrates, who shall be elected at the regularly
165 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

166 (52) Wetzel County shall have two magistrates, who shall be elected at the regularly
167 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

168 (53) Wirt County shall have two magistrates, who shall be elected at the regularly
169 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

170 (54) Wood County shall have five magistrates, who shall be elected at the regularly
171 scheduled election(s) to be held in the year 2024, and every fourth year thereafter; and

172 (55) Wyoming County shall have three magistrates, who shall be elected at the regularly
173 scheduled election(s) to be held in the year 2024, and every fourth year thereafter.

174 (d) In the year 2026, the Supreme Court of Appeals shall conduct or otherwise arrange for
175 a caseload study of the magistrate courts of this state for the purpose of determining how many
176 magistrates are needed in each county. Based upon the results of this study and upon
177 consideration of county population data from the most recent decennial census, the Supreme
178 Court of Appeals shall enter an administrative order on or before January 5, 2027, containing the
179 Supreme Court of Appeal's recommendations as to the number of magistrates who are needed
180 in each of the state's 55 counties for the four-year terms of office to be filled by election in the
181 year 2028. Attested copies of the administrative order shall be provided to the President of the

182 West Virginia Senate, the Clerk of the Senate, the Clerk and the Speaker of the West Virginia
183 House of Delegates, and the West Virginia Secretary of State.

184 (e) The West Virginia Legislature may reject the allocation of magistrates recommended
185 by the Supreme Court of Appeals in its administrative order entered for the judicial elections to be
186 held in 2028, and allocate magistrates for the four-year terms commencing in January of 2029,
187 and serving through December of 2032, as the Legislature may choose by enactment of a bill
188 containing such an allocation.

189 (f) If the Legislature does not enact a different allocation of the magistrates to be elected
190 in 2028, pursuant to subsection (e) of this section, then the administrative order of the Supreme
191 Court of Appeals required by subsection (d) of this section shall become the certification to the
192 ballot commissioners of each county in this state of the number of magistrates to be elected in
193 each county of this state at the judicial elections to be held concurrently with the primary election.

194 (g) The process set forth in this section shall be repeated every four years in the first and
195 second years immediately preceding the quadrennial election of magistrates.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

1 (a) In each county having three or more magistrates, the judge of the circuit court or the
2 chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a
3 magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may,
4 by rule, require the duties of the magistrate court clerk to be performed by the clerk of the circuit
5 court, in which event the circuit court clerk is entitled to additional compensation in the amount of
6 \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

7 (b) Magistrate court clerks shall be paid at least twice per month by the state. The annual
8 salary of all magistrate court clerks is \$52,296. Beginning July 1, 2023, the annual salary of a
9 magistrate court clerk shall be \$54,596. Magistrate court clerks may receive any general salary
10 increase granted to state employees, whose salaries are not set by statute, expressed as a
11 percentage increase or an across-the-board increase, implemented after July 1, 2023.

12 (c) In addition to other duties that may be imposed by the provisions of this chapter or by
13 the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of
14 the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate
15 court clerk to establish and maintain appropriate dockets and records in a centralized system for
16 the magistrate court, to assist in the preparation of the reports required of the court and to carry
17 out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the
18 administrative duties of the court.

19 (d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the
20 clerk of the circuit court, may issue all manner of civil process and require the enforcement of
21 subpoenas and subpoenas duces tecum in magistrate court.

§50-1-9. Magistrate assistants; salary; duties.

1 (a) In each county there shall be at least one magistrate assistant for each magistrate;
2 however, the Supreme Court of Appeals may authorize additional magistrate assistants if the
3 workload of a county's magistrate court requires extra staff support. Each magistrate assistant
4 shall be appointed by the magistrate under whose authority and supervision and at whose will
5 and pleasure he or she shall serve. If more than one magistrate assistant per magistrate is
6 approved by the Supreme Court of Appeals, then the chief magistrate, or chief circuit judge if no
7 chief magistrate is designated, shall appoint, supervise, and assign job duties for any additional
8 magistrate assistant as needed for that county. The assistant shall not be a member of the
9 immediate family of any magistrate and shall not have been convicted of a felony or any
10 misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the
11 purpose of this section, "immediate family" means the relationships of mother, father, sister,
12 brother, child, or spouse.

13 (b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the
14 magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit
15 court, or the chief judge of the circuit court if there is more than one judge of the circuit court. In

106

16 addition to these duties, magistrate assistants shall perform and are accountable to the magistrate
17 court clerks with respect to the following duties:

18 (1) The preparation of summons in civil actions;

19 (2) The assignment of civil actions to the various magistrates;

20 (3) The collection of all costs, fees, fines, forfeitures, and penalties which are payable to
21 the court;

22 (4) The submission of moneys, along with an accounting of the moneys, to appropriate
23 authorities as provided by law;

24 (5) The daily disposition of closed files which are to be located in the magistrate clerk's
25 office;

26 (6) All duties related to the gathering of information and documents necessary for the
27 preparation of administrative reports and documents required by the rules of the Supreme Court
28 of Appeals, the judge of the circuit court or the chief judge of the circuit court if there is more than
29 one judge of the circuit court;

30 (7) All duties relating to the notification, certification, and payment of jurors serving
31 pursuant to the terms of this chapter; and

32 (8) All other duties or responsibilities whereby the magistrate assistant is accountable to
33 the magistrate court clerk as determined by the magistrate.

34 (c) Magistrate assistants shall be paid at least twice per month by the state. The annual
35 salary of all magistrate assistants is \$46,932. Beginning July 1, 2023, the annual salary of a
36 magistrate assistant shall be \$49,232. Magistrate assistants may receive any general salary
37 increase granted to state employees, whose salaries are not set by statute, expressed as a
38 percentage increase or an across-the-board increase enacted after July 1, 2023.

§50-1-9a. Magistrate court deputy clerks; duties; salary.

107

1 (a) Whenever required by workload and upon the recommendation of the judge of the
2 circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit
3 court, the Supreme Court of Appeals may provide by rule for the appointment of magistrate court
4 deputy clerks. The magistrate court deputy clerks shall be appointed by the judge of the circuit
5 court, or the chief judge of the circuit court if there is more than one judge of the circuit court, to
6 serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

7 (b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be
8 assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme
9 Court of Appeals, the judge of the circuit court, or the chief judge of the circuit court, if there is
10 more than one judge of the circuit court. Magistrate court deputy clerks may also exercise the
11 power and perform the duties of the magistrate court clerk as may be delegated or assigned by
12 the magistrate court clerk.

13 (c) A magistrate court deputy clerk may not be an immediate family member of any
14 magistrate, magistrate court clerk, magistrate assistant, or judge of the circuit court within the
15 same county; may not have been convicted of a felony or any misdemeanor involving moral
16 turpitude; and must reside in this state. For purposes of this subsection, "immediate family
17 member" means a mother, father, sister, brother, child, or spouse.

18 (d) Magistrate court deputy clerks shall be paid at least twice per month by the state. The
19 annual salary of all magistrate court deputy clerks is \$46,932. Beginning July 1, 2023, the annual
20 salary of a magistrate court deputy clerk shall be \$49,232. Magistrate court deputy clerks may
21 receive any general salary increase granted to state employees whose salaries are not set by
22 statute, expressed as a percentage increase or an across-the-board increase implemented after
23 July 1, 2023.

§50-1-9c. Additional magistrate court support staff; duties; salary.

1 The Supreme Court of Appeals is authorized to create additional classifications of support
2 staff that it deems necessary to adequately and efficiently staff the magistrate courts of this state,

3 including, but not limited to cashiers, data entry clerks, and deputy magistrate assistants. The
4 Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and
5 assign job duties for these positions pursuant to its own employment rules, policies, and
6 procedures. The annual salary of additional support staff authorized by this section shall not
7 exceed the regular annual salary of a magistrate assistant and shall be paid by the state on the
8 same basis and in the same amounts established for magistrate assistants in each county, as
9 provided in §50-1-9 of this code.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections; terms of court.

1 (a) Beginning on the effective date of this subsection and until December 31, 2024, the
2 state shall be divided into the following judicial circuits with the following number of judges:

3 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall
4 have four judges;

5 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall
6 have two judges;

7 (3) The counties of Doddridge, Pleasants, and Ritchie shall constitute the third circuit and
8 shall have one judge;

9 (4) The counties of Wood and Wirt shall constitute the fourth circuit and shall have three
10 judges;

11 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit
12 and shall have three judges;

13 (6) The county of Cabell shall constitute the sixth circuit and shall have four judges;

14 (7) The county of Logan shall constitute the seventh circuit and shall have two judges;

15 (8) The county of McDowell shall constitute the eighth circuit and shall have two judges;

16 (9) The county of Mercer shall constitute the ninth circuit and shall have three judges;

17 (10) The county of Raleigh shall constitute the tenth circuit and shall have four judges;

18 (11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and
19 shall have two judges;

20 (12) The county of Fayette shall constitute the twelfth circuit and shall have two judges;

21 (13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven
22 judges;

23 (14) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the fourteenth
24 circuit and shall have two judges;

25 (15) The county of Harrison shall constitute the fifteenth circuit and shall have three judges;

26 (16) The county of Marion shall constitute the sixteenth circuit and shall have two judges;

27 (17) The county of Monongalia shall constitute the seventeenth circuit and shall have three
28 judges;

29 (18) The county of Preston shall constitute the eighteenth circuit and shall have one judge;

30 (19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall
31 have two judges;

32 (20) The county of Randolph shall constitute the twentieth circuit and shall have one judge;

33 (21) The counties of Grant, Mineral, and Tucker shall constitute the twenty-first circuit and
34 shall have two judges;

35 (22) The counties of Hampshire, Hardy, and Pendleton shall constitute the twenty-second
36 circuit and shall have two judges;

37 (23) The counties of Berkeley, Jefferson, and Morgan shall constitute the twenty-third
38 circuit and shall have six judges;

39 (24) The county of Wayne shall constitute the twenty-fourth circuit and shall have two
40 judges;

41 (25) The counties of Lincoln and Boone shall constitute the twenty-fifth circuit and shall
42 have two judges;

43 (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall
44 have two judges;

45 (27) The county of Wyoming shall constitute the twenty-seventh circuit and shall have one
46 judge;

47 (28) The county of Nicholas shall constitute the twenty-eighth circuit and shall have one
48 judge;

49 (29) The county of Putnam shall constitute the twenty-ninth circuit and shall have two
50 judges;

51 (30) The county of Mingo shall constitute the thirtieth circuit and shall have one judge; and

52 (31) The counties of Monroe and Summers shall constitute the thirty-first circuit and shall
53 have one judge.

54 (b) Effective January 1, 2025, the state shall be divided into the following judicial circuits
55 with the following number of judges who shall be elected by the voters of the entire circuit, but in
56 separate divisions, as required by §3-5-6b of this code.

57 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall
58 have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year
59 2024, and every eighth year thereafter;

60 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall
61 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
62 2024, and every eighth year thereafter;

63 (3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit
64 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held
65 in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall
66 be a resident of any county comprising the third circuit: *Provided, however*, That if the highest

67 vote recipients in both divisions are also both residents of the same county, then the candidate
68 with the highest overall number of votes shall be declared the winner of the division in which he
69 or she ran: *Provided, further*, That the candidate who has the highest number of votes in the other
70 division who is not a resident of the same county as the highest overall vote recipient shall be
71 declared the winner of the division in which he or she ran;

72 (4) The county of Wood shall constitute the fourth circuit and shall have three judges, who
73 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
74 eighth year thereafter;

75 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit
76 and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held
77 in the year 2024, and every eighth year thereafter: *Provided*, That Division 1 in the fifth circuit
78 shall be for a judge who resides in Jackson County at the time of his or her filing and for the
79 duration of his or her service, Division 2 in the fifth circuit shall be for a judge who resides in
80 Mason County at the time of his or her filing and for the duration of his or her service, and Division
81 3 in the fifth circuit shall be for a judge who resides in either Calhoun County or Roane County at
82 the time of his or her filing and for the duration of his or her service;

83 (6) The county of Cabell shall constitute the sixth circuit and shall have four judges, who
84 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
85 eighth year thereafter;

86 (7) The county of Putnam shall constitute the seventh circuit and shall have two judges,
87 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
88 eighth year thereafter;

89 (8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges,
90 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
91 eighth year thereafter;



92 (9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two
93 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
94 and every eighth year thereafter;

95 (10) The county of Wayne shall constitute the tenth circuit and shall have two judges, who
96 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
97 eighth year thereafter;

98 (11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have
99 three judges, who shall be elected at the regularly scheduled election(s) to be held in the year
100 2024, and every eighth year thereafter: *Provided*, That Division 1 in the eleventh circuit shall be
101 for a judge who will reside at the time of his or her filing and during his or her service in Mingo
102 County, Division 2 in the eleventh circuit shall be for a judge who will reside at the time of his or
103 her filing and during his or her service in Logan County, and Division 3 in the eleventh circuit shall
104 be for a judge who will reside at the time of his or her filing and during his or her service in Logan
105 County;

106 (12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall
107 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
108 2024, and every eighth year thereafter: *Provided*, That Division 1 in the twelfth circuit shall be for
109 a judge who will reside at the time of his or her filing and during his or her service in McDowell
110 County, and Division 2 in the twelfth circuit shall be for a judge who will reside at the time of his
111 or her filing and during his or her service in Wyoming County;

112 (13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges,
113 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
114 eighth year thereafter;

115 (14) The county of Raleigh shall constitute the fourteenth circuit and shall have four
116 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
117 and every eighth year thereafter;

118 (15) The county of Fayette shall constitute the fifteenth circuit and shall have two judges,
119 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
120 eighth year thereafter;

121 (16) The county of Nicholas shall constitute the sixteenth circuit and shall have two judges,
122 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
123 eighth year thereafter;

124 (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth
125 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to
126 be held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge
127 shall be a resident of any county comprising the seventeenth circuit: *Provided, however*, That if
128 the highest vote recipients in both divisions are also both residents of the same county, then the
129 candidate with the highest overall number of votes shall be declared the winner of the division in
130 which he or she ran: *Provided, further*, That the candidate who has the highest number of votes
131 in the other division who is not a resident of the same county as the highest overall vote recipient
132 shall be declared the winner of the division in which he or she ran;

133 (18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall
134 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
135 2024, and every eighth year thereafter: *Provided*, That Division 1 in the eighteenth circuit shall be
136 for a judge who will reside at the time of his or her filing and during his or her service in Upshur
137 County, and Division 2 in the eighteenth circuit shall be for a judge who will reside at the time of
138 his or her filing and during his or her service in Lewis County;

139 (19) The county of Harrison shall constitute the nineteenth circuit and shall have three
140 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
141 and every eighth year thereafter;

113

142 (20) The county of Marion shall constitute the twentieth circuit and shall have two judges,
143 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
144 eighth year thereafter;

145 (21) The county of Monongalia shall constitute the twenty-first circuit and shall have three
146 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
147 and every eighth year thereafter;

148 (22) The counties of Preston and Tucker shall constitute the twenty-second circuit and
149 shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in
150 the year 2024, and every eighth year thereafter;

151 (23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall
152 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
153 2024, and every eighth year thereafter;

154 (24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two
155 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
156 and every eighth year thereafter;

157 (25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall
158 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
159 2024, and every eighth year thereafter;

160 (26) The counties of Hampshire, Hardy, and Pendelton shall constitute the twenty-sixth
161 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to
162 be held in the year 2024, and every eighth year thereafter;

163 (27) The counties of Berkley and Morgan shall constitute the twenty-seventh circuit and
164 shall have five judges, who shall be elected at the regularly scheduled election(s) to be held in
165 the year 2024, and every eighth year thereafter;

114

166 (28) The county of Jefferson shall constitute the twenty-eighth circuit and shall have two
167 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
168 and every eighth year thereafter;

169 (29) The counties of Greenbrier and Pocahontas shall constitute the twenty-ninth circuit
170 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held
171 in the year 2024, and every eighth year thereafter; and

172 (30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall
173 have one judge, who shall be elected at the regularly scheduled election(s) to be held in the year
174 2024, and every eighth year thereafter. (c) The Raleigh County circuit court shall be a court of
175 concurrent jurisdiction with the remaining single-judge circuit where the sitting judge in the single-
176 judge circuit is unavailable by reason of sickness, vacation, or other reason.

177 (d) Any judge in office on the effective date of the reenactment of this section shall continue
178 as a judge of the circuit as constituted under prior enactments of this section, unless sooner
179 removed or retired as provided by law, until December 31, 2024.

180 (e) The term of office of all circuit court judges shall be for eight years. The term of office
181 for all circuit court judges elected during an election conducted in the year 2024, shall commence
182 on January 1, , 2025, and end on December 31, 2032.

183 (f) For election purposes, in every judicial circuit having two or more judges there shall be
184 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall
185 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the
186 candidates for election shall be voted upon, and the votes cast for the candidates in each division
187 shall be tallied separately from the votes cast for candidates in other numbered divisions within
188 the circuit. The candidate receiving the highest number of the votes cast within a numbered
189 division shall be elected, except as provided above with respect to the third and seventeenth
190 circuits.

115

191 (g) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit
192 judges.

ARTICLE 2A. FAMILY COURTS.

§51-2A-3. Number of family court judges; assignment of family court judges by family court circuits.

1 (a) Beginning on the effective date of this subsection and until December 31, 2024, 47
2 family court judges shall serve throughout the state, allocated among a total of 27 family court
3 circuits as follows:

4 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit
5 and have two family court judges;

6 (2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court
7 circuit and have one family court judge;

8 (3) The counties of Pleasants and Wood shall constitute the third family court circuit and
9 have two family court judges;

10 (4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family
11 court circuit and have one family court judge;

12 (5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit
13 and have two family court judges;

14 (6) The county of Cabell shall constitute the sixth family court circuit and have three family
15 court judges;

16 (7) The county of Wayne shall constitute the seventh family court circuit and have one
17 family court judge;

18 (8) The county of Mingo shall constitute the eighth family court circuit and have one family
19 court judge;

20 (9) The county of Logan shall constitute the ninth family court circuit and have two family
21 court judges;



22 (10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and
23 have two family court judges;

24 (11) The county of Kanawha shall constitute the eleventh family court circuit and have five
25 family court judges;

26 (12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit
27 and have three family court judges;

28 (13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family
29 court circuit and have three family court judges;

30 (14) The county of Fayette shall constitute the fourteenth family court circuit and have one
31 family court judge;

32 (15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court
33 circuit and have one family court judge;

34 (16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit
35 and have one family court judge;

36 (17) The counties of Braxton, Lewis, and Upshur shall constitute the seventeenth family
37 court circuit and have one family court judge;

38 (18) The counties of Harrison and Doddridge shall constitute the eighteenth family court
39 circuit and have two family court judges;

40 (19) The county of Marion shall constitute the nineteenth family court circuit and have one
41 family court judge;

42 (20) The counties of Monongalia and Preston shall constitute the twentieth family court
43 circuit and have two family court judges;

44 (21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit
45 and have one family court judge;

46 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court
47 circuit and have one family court judge;



48 (23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third
49 family court circuit and have two family court judges;

50 (24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court
51 circuit and have three family court judges;

52 (25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family
53 court circuit and have one family court judge;

54 (26) The county of Putnam shall constitute the twenty-sixth family court circuit and have
55 one family court judge; and

56 (27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family
57 court circuit and have one family court judge.

58 (b) Effective January 1, 2025, 48 family court judges shall serve throughout the state,
59 allocated among a total of 27 family court circuits as follows:

60 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit
61 and have two family court judges, who shall be elected at the regularly scheduled election(s) to
62 be held in the year 2024, and every eighth year thereafter;

63 (2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court
64 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
65 to be held in the year 2024, and every eighth year thereafter;

66 (3) The counties of Pleasants and Wood shall constitute the third family court circuit and
67 have two family court judges, who shall be elected at the regularly scheduled election(s) to be
68 held in the year 2024, and every eighth year thereafter;

69 (4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family
70 court circuit and have one family court judge, who shall be elected at the regularly scheduled
71 election(s) to be held in the year 2024, and every eighth year thereafter;

118

72 (5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit
73 and have two family court judges, who shall be elected at the regularly scheduled election(s) to
74 be held in the year 2024, and every eighth year thereafter;

75 (6) The county of Cabell shall constitute the sixth family court circuit and have three family
76 court judges, who shall be elected at the regularly scheduled election(s) to be held in the year
77 2024, and every eighth year thereafter;

78 (7) The county of Wayne shall constitute the seventh family court circuit and have one
79 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the
80 year 2024, and every eighth year thereafter;

81 (8) The county of Mingo shall constitute the eighth family court circuit and have one family
82 court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
83 2024, and every eighth year thereafter;

84 (9) The county of Logan shall constitute the ninth family court circuit and have two family
85 court judges, who shall be elected at the regularly scheduled election(s) to be held in the year
86 2024, and every eighth year thereafter;

87 (10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and
88 have two family court judges, who shall be elected at the regularly scheduled election(s) to be
89 held in the year 2024, and every eighth year thereafter;

90 (11) The county of Kanawha shall constitute the eleventh family court circuit and have five
91 family court judges, who shall be elected at the regularly scheduled election(s) to be held in the
92 year 2024, and every eighth year thereafter;

93 (12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit
94 and have three family court judges, who shall be elected at the regularly scheduled election(s) to
95 be held in the year 2024, and every eighth year thereafter;

119

96 (13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family
97 court circuit and have three family court judges, who shall be elected at the regularly scheduled
98 election(s) to be held in the year 2024, and every eighth year thereafter;

99 (14) The county of Fayette shall constitute the fourteenth family court circuit and have one
100 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the
101 year 2024, and every eighth year thereafter;

102 (15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court
103 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
104 to be held in the year 2024, and every eighth year thereafter;

105 (16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit
106 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
107 held in the year 2024, and every eighth year thereafter;

108 (17) The counties of Lewis and Upshur shall constitute the seventeenth family court circuit
109 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
110 held in the year 2024, and every eighth year thereafter;

111 (18) The counties of Harrison and Doddridge shall constitute the eighteenth family court
112 circuit and have two family court judges, who shall be elected at the regularly scheduled
113 election(s) to be held in the year 2024, and every eighth year thereafter;

114 (19) The county of Marion shall constitute the nineteenth family court circuit and have one
115 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the
116 year 2024, and every eighth year thereafter;

117 (20) The counties of Monongalia and Preston shall constitute the twentieth family court
118 circuit and have two family court judges, who shall be elected at the regularly scheduled
119 election(s) to be held in the year 2024, and every eighth year thereafter;

120 (21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit
121 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
122 held in the year 2024, and every eighth year thereafter;

123 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court
124 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
125 to be held in the year 2024, and every eighth year thereafter;

126 (23) The counties of Mineral, Hampshire, and Morgan shall constitute the twenty-third
127 family court circuit and have two family court judges, who shall be elected at the regularly
128 scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

129 (24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court
130 circuit and have four family court judges with the additional family court judge to be elected at the
131 regularly scheduled election held in 2024, and every eighth year thereafter;

132 (25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family
133 court circuit and have one family court judge, who shall be elected at the regularly scheduled
134 election(s) to be held in the year 2024, and every eighth year thereafter;

135 (26) The county of Putnam shall constitute the twenty-sixth family court circuit and have
136 one family court judge, who shall be elected at the regularly scheduled election(s) to be held in
137 the year 2024, and every eighth year thereafter; and

138 (27) The counties of Webster, Braxton, and Pocahontas shall constitute the twenty-
139 seventh family court circuit and have one family court judge, who shall be elected at the regularly
140 scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

141 (c) Family court judges taking office January 1, 2025, shall be elected at the regularly
142 scheduled election(s) occurring in the year 2024, and shall serve for a term of eight years.

143 (d) The Legislature has the authority and may determine to realign the family court circuits
144 and has the authority and may determine to increase or decrease the number of family court
145 judges within a family court circuit, from time to time. Any person appointed or elected to the office

146 of family court judge acknowledges the authority of the Legislature to realign family court circuits
147 and the authority of the Legislature to increase or decrease the number of family court judges
148 within a family court circuit.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

1 (a) A family court judge is entitled to receive as compensation for his or her services an
2 annual salary of \$62,500: *Provided*, That beginning July 1, 2005, a family court judge is entitled
3 to receive as compensation for his or her services an annual salary of \$82,500: *Provided*,
4 *however*, That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500:
5 *Provided further*, That beginning July 1, 2020, the annual salary of a family court judge shall be
6 \$103,950.

7 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
8 serves at his or her will and pleasure. The secretary-clerk of the family court shall be paid at least
9 twice per month by the state. The annual salary of all secretary-clerks of the family court is
10 \$42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be
11 \$44,876. Family court secretary-clerks may receive any general salary increase granted to state
12 employees, whose salaries are not set by statute, expressed as a percentage increase or an
13 across-the-board increase enacted after July 1, 2023.

14 (c) The family court judge may employ not more than one family case coordinator who
15 serves at his or her will and pleasure: *Provided*, That the Supreme Court of Appeals may authorize
16 additional family case coordinators if the workload of a circuit's family court requires extra staff
17 support. The annual salary of the family case coordinator of the family court judge shall be
18 established by the Administrative Director of the Supreme Court of Appeals but may not exceed
19 \$36,000 \$54,576: *Provided*, That on and after July 1, 2006, the annual salary of the family case
20 coordinator of the family court judge may not exceed \$51,000. The family case coordinator will
21 receive such percentage or proportional salary increases as may be provided by general law for
22 other public employees and is entitled to receive the annual incremental salary increase as

23 provided in §5-5-1 *et seq.* of this code. Beginning July 1, 2023, the annual salary of a family court
24 case coordinator shall not exceed \$56,876. Family court case coordinators may receive any
25 general salary increase granted to state employees, whose salaries are not set by statute,
26 expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.
27 If more than one family case coordinator is approved by the Supreme Court of Appeals, then the
28 chief family court judge of that circuit shall appoint, supervise, and assign job duties for any
29 additional family case coordinator as needed for that circuit.

30 (d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court
31 judge. The sheriff of each county shall serve or designate persons to serve so as to assure that
32 a bailiff is available when a family court judge determines the same is necessary for the orderly
33 and efficient conduct of the business of the family court.

34 (e) Disbursement of salaries for family court judges and members of their staffs are made
35 by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of
36 Appeals.

37 (f) Family court judges and members of their staffs staff are allowed their actual and
38 necessary expenses incurred in the performance of their duties. The expenses and compensation
39 will be determined and paid by the Director of the Administrative Office of the Supreme Court of
40 Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court
41 of Appeals.

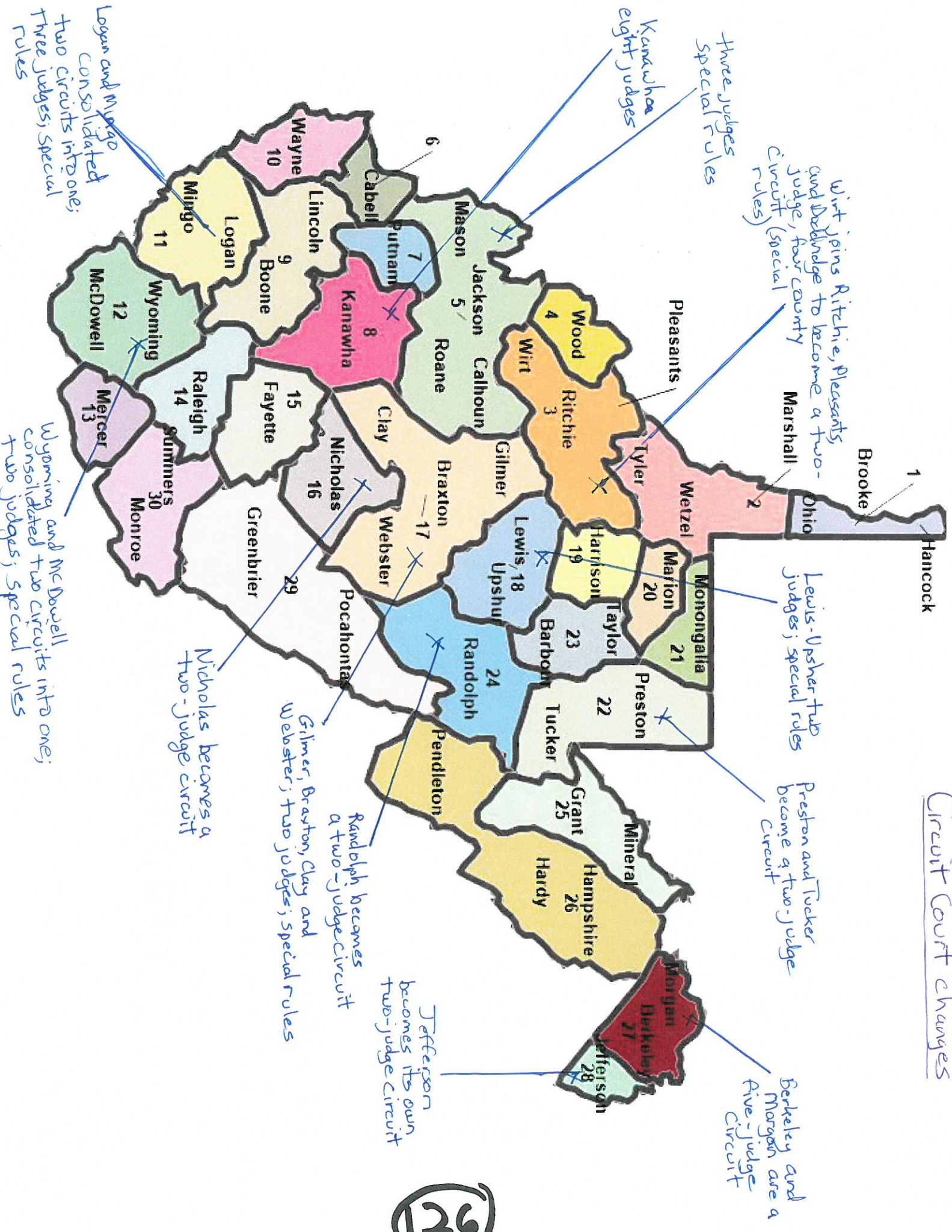
42 (g) The Supreme Court of Appeals is authorized to create additional classifications of
43 support staff that it deems necessary to adequately and efficiently staff the family courts of this
44 state, including, but not limited to, receptionists, assistant case coordinators, and assistant
45 secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and
46 terminate, supervise, and assign job duties for these positions pursuant to its own employment
47 rules, policies, and procedures. The annual salary of additional support staff authorized by this

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48 section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the
49 state on the same basis established for secretary-clerks as provided in this section.

124

Circuit Court changes



Wirt joins Ritchie, Pleasants and Berkeley to become a two-judge, four county circuit (special rules)

Three judges special rules

Kanauchha eight judges

Logan and Mingo consolidated two circuits into one; three judges; special rules

Wyoming and McDowell consolidated two circuits into one; two judges; special rules

Lewis-Upsher two judges; special rules

Preston and Tucker become a two-judge circuit

Berkeley and Morgan are a five-judge circuit

Jefferson becomes its own two-judge circuit

Randolph becomes a two-judge circuit

Gilmer, Braxton, Clay and Webster; two judges; special rules

Nicholas becomes a two-judge circuit