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THE 2024 LEGISLATIVE SESSION RECAP

We are pleased to provide this recap of the 2024 Legislative Session summarizing the key legislation that the League tracked this session. In 2024, 2,575 bills were introduced - the highest number in 20 years - and 279 or 11% made it through both chambers and were presented to the Governor - one of the lowest completion rates in 20 years. The Governor vetoed 8 bills, none of which had significant implications for municipal governments.

We accomplished one of our main League objectives this session – to raise the threshold at which municipalities must solicit bids for public works projects from \$25,000 to \$50,000. The old threshold was set at least a decade ago and did not reflect the increase in the costs of materials and labor that started during the pandemic and continues today. The legislature agreed and passed our bill with only 4 no votes. This increase should help speed up smaller projects. Along with this legislation, a bill that allows cities to negotiate with the lowest bidder if all bids are over the maximum budget also passed this session. There are some guardrails on when cities can have these negotiations, but it does give much more flexibility and may keep communities from having to rebid projects.

We did see preemption bills, a couple of which passed and many of which failed. Restrictions around how cities can zone gun-related businesses were passed, as were restrictions on regulating farm wineries.

There is also concern in the legislature around the WV Board of Risk and Insurance Management. A moratorium was placed on new insurance business to BRIM for any entity not required to be covered by BRIM, including political subdivisions. BRIM can process renewals, but it appears they will not be able to offer any coverages in addition to the ones currently in place. The moratorium is until July 1, 2025, at which time they will reevaluate. Municipalities with BRIM coverage may want to investigate other options and can call the League for more information.

It is an election year, so much legislation was focused on social issues related to campaigns. Election integrity was also a much-discussed topic, and several new measures related to elections were completed. Some, such as purging voter rolls of voters who no longer live here, will present changes to how county clerks handle their election related duties. There are some that will have implications in municipal elections, and we have Muni-briefed them in this summary. None of the election-related changes are effective until January 1, 2025, so they will not impact anyone's election this year. The Secretary of State's Office will be delivering more details closer to the effective date of the changes.

As with the last couple of years, your efforts to keep your delegates and senators updated on the happenings in your cities, and how their decisions are impacting you are making a real difference in the conversations we are having under the dome. If you are new to advocacy for your city, you can find our Advocacy Toolkit for Municipal Officials on our website. For those of you that have been at it for a while, keep up the great work!

Thank you for your continued engagement!

Susan Economou, Deputy Executive Director





MUNICIPAL BILL TALLY

2575 Total bills were introduced

209 Bills were tracked by the League

30 Bills contained provisions strengthening local control or benefiting local government

13 Bills would have limited municipal revenues

10 Bills contained unfunded mandates

39 Bills contained preemptions on local government authority



A NOTE ABOUT “MUNI BRIEF”

In addition to the official summaries of the bills provided in the legislation itself, we are including a municipal “Muni Brief” to provide a simplified interpretation on the impact of the new laws on municipalities. The “Muni Brief” is provided with the understanding that the West Virginia Municipal League Inc., its officers, members, employees, and agents are not engaged in rendering legal, accounting, or other professional services. Any specific questions regarding the impact of any legislation on an individual municipality should be directed to a competent professional retained by the municipality.





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SENATE BILLS

SB 2 – Authorizing DEP to promulgate rules

(WV Code §64-3-1)

Effective March 8, 2024

By Senator Woodrum

Muni Brief: Creates codified state rules (60-CSR-12) providing for administration of the West Virginia Drinking Water Treatment Revolving Fund to be administered by the Water Development Authority and the DEP.

Official Description: Relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup and shutdown operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from the combustion of fuel in indirect heat exchangers; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of hot mix asphalt plants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of coal preparation plants, coal handling operations, and coal refuse disposal areas; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of refuse; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from manufacturing processes and associated operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of sulfur oxides; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of volatile organic compounds; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administration of Drinking Water Treatment Revolving Fund and safe drinking water set-asides; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground injection control.

SB 17 – Authorizing Department of Health to promulgate legislative rules

(WV Code §64-5-1)

Effective March 9, 2024

By Senators Woodrum

Muni Brief: Modifies 64-CSR-15 requirements for when cross-connection and backflow protection is required. Eliminates 64-CSR-30 with allowed for certain fees charged by Boards of Health.



Official Description: Relating generally to authorizing certain agencies of the Department of Health to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Health to promulgate a legislative rule relating to public water systems operators; authorizing the Department of Health to promulgate a legislative rule relating to wastewater systems and operators; authorizing the Department of Health to promulgate a legislative rule relating to behavioral health centers licensure; authorizing the Department of Health to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health to promulgate a legislative rule relating to assisted living residences; authorizing the Department of Health to promulgate a legislative rule relating to cross-connection control and backflow prevention; authorizing the Department of Health to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health to promulgate a legislative rule relating to fees for services; authorizing the Department of Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; authorizing the Department of Health to promulgate a legislative rule relating to newborn screening system; authorizing the Department of Health to promulgate a legislative rule relating to distribution of funds from Emergency Medical Services Salary Enhancement Fund; authorizing the Department of Health to promulgate a legislative rule relating to West Virginia Clearance for Access, registry and employment screening; authorizing the Department of Health to promulgate a legislative rule relating to cooperative agreement approval and compliance; authorizing the Department of Health to promulgate a legislative rule relating to certificate of need; authorizing the Department of Health to promulgate a legislative rule relating to chronic pain management clinic licensure; and authorizing the Department of Health to promulgate a legislative rule relating to medication-assisted treatment and office-based, medication-assisted treatment.

SB 31 – Authorizing Department of Human Services to promulgate legislative rules

(WV Code §64-5A-1, §64-5A-2)

Effective May 3, 2024

By Senator Woodrum

Muni Brief: Makes changes to a codified state rule (67-CSR-1) regarding reporting overdose information to the Office of Drug Control Policy (ODCP) by mandatory reporters which includes law enforcement and EMS providers. The revised rule includes prior overdose history as reportable information and adds fines of up to \$1,000 for failing to report.

Official Description: Relating generally to authorizing certain agencies of the Department of Human Services to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Human Services to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Human Services to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect; and authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards.

SB 149 – Relating to municipalities required to be represented on county authority boards

(WV Code §7-12-3)

Effective March 8, 2024

By Senators Swope, Boley, Nelson, Oliverio, Phillips, Tarr, Woodrum, Deeds

Muni Brief: Removed the requirement that municipalities and representatives from business, industry, and labor be appointed to county development authorities. Membership may be specified in individual bylaws but statute now grants full appointing authority to county commissions.



Official Description: Relating to the composition of county authority boards; removing the requirement that municipalities be represented on county authority boards; removing the requirement that certain board members must be representatives of business, industry, and labor.

SB 164 – Relating generally to trespassing

(WV Code §61-3B-2, §61-3B-3, §61-3B-6, §61-3B-7, §61-3B-8)

Effective June 7, 2024

By Senators Hunt and Deeds

Muni Brief: Establishes that persons convicted of trespassing that cause damage are liable to the owner for twice the amount of the damage, including cost of cleanup. Also provides that courts may defer entry of a misdemeanor trespass violation for up to six months and dismiss the charge if the amount of damages is paid.

Official Description: Relating generally to trespass; clarifying protected activities relating to trespass on property other than a structure or conveyance; making double damages applicable to all violations of the article including cleanup costs; authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction; and creating criminal penalties.

SB 166 – Updating contested elections procedures

(WV Code §3-7-3, §3-7-6, §3-7-7)

Effective January 1, 2025

By Senators Chapman, Deeds, Hunt, Oliverio, Roberts, Rucker, Swope, Tarr, Woodrum, and Stuart

Muni Brief: Requires all challenges to elections be filed as a civil action with the Circuit Court within 10 days after the election is certified. Challenges to votes (cast, rejected or voter eligibility) can't be filed unless the recount procedure has been executed. Challenges to candidate eligibility, legality of election, or fraud do not require a recount prior to filing.

Official Description: Relating to contested elections procedure update; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; and granting rule-making authority to the Supreme Court of Appeals regarding election contests before circuit courts.

SB 170 – Relating to compensable diseases of certain firefighters covered by workers compensation

(WV Code §23-4-1)

Effective March 8, 2024

By Senators Weld, Takubo, Phillips, Tarr, Oliverio, Deeds, Swope, Hamilton, Queen, Woodrum, Stuart, Jeffries, Grady

Muni Brief: Adds bladder cancer, mesothelioma and testicular cancer to list of diseases for which there is a rebuttable presumption of occupation disease for firefighters. These additions sunset on July 1, 2027.

Official Description: Relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of, and in the course of, employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; providing for conditions of the presumption; and providing that the rebuttable presumption expires on July 1, 2027, unless extended by the Legislature.



SB 217 – Authorizing state and subdivision to negotiate price for construction when all bids received exceed maximum budget

(WV Code §5-22-4)

Effective March 8, 2024

By Senators Woodrum, Swope, and Deeds

Muni Brief: Allows municipalities to set a maximum budget amount, and negotiate with the lowest bidder on a construction job (other than roads, bridges, or highways) when all bids exceed the maximum budget amount. The negotiated amount can't deviate more than 10% from the original base bid and negotiations have to be completed within 30 days. Sunsets in 2029.

Official Description: Relating to providing the state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date.

SB 400 – Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects

(WV Code §24-2-11)

Effective February 22, 2024

By Senators Jeffries, Deeds, Queen, Phillips, and Plymale

Muni Brief: Allows a limited waiver of a PSC certificate of public convenience and necessity for certain ARPA funded projects until April 30, 2025.

Official Description: Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

SB 445 – Reducing certification periods and renewal fees for EMS personnel

(WV Code §16-4C-8, §16-4C-9)

Effective March 8, 2024

By Senators Deeds, Grady, Rucker, Smith, Stover, Stuart, Woelfel, Roberts, and Oliverio

Muni Brief: Allows that certification for Emergency Medical Dispatcher, Emergency Medical Vehicle Operator, Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Paramedic, Mobile Critical Care Paramedic, or Mobile Critical Care Nurse is valid for two years. The fee for recertification is lowered to \$25. Requires OEMS publish information regarding suspension or revocation of EMS personnel certification.

Official Description: Relating to certification of emergency medical services personnel; establishing dates for mandatory rule-making; setting period of validity of certification for emergency medical services personnel at two years; and requiring Office of Emergency Medical Services to publish certain disciplinary actions taken against certified emergency medical services personnel on its website.

SB 452 – Designating certain water and wastewater facilities as emergency project

(WV Code §31-15A-8)

Effective June 6, 2024

By Senators Tarr, Jeffries, Phillips, and Plymale

Muni Brief: Removes the requirement for certificate of public convenience and necessity for emergency water or sewer projects. Eliminates funding source and rate impact from determination of an emergency project.

Official Description: Relating to designating certain water and wastewater facilities as an emergency project; and modifying the requirements to the designation.



SB 539 – Creating cold case database

(WV Code §15A-12-9)

Effective June 2, 2024

By Senators Takubo, Deeds, Oliverio, Weld, Trump, Maroney, and Woelfel

Muni Brief: Creates a cold case database in the WV Fusion Center, defines “cold case” and allows law enforcement agencies to submit case information to the Fusion Center.

Participation is permissive, not required. No date for the database to be operational is included in the bill.

Official Description: Relating to requiring the West Virginia Fusion Center to create the cold case database; defining terms; allowing law-enforcement agencies to provide information; explaining the types of cases to be included in the cold case database; explaining the state agency developing the cold case database; delineating the information that must be provided for inclusion in the cold case database for each investigation; and delineating the information that may be provided for inclusion in the cold case database for each investigation if applicable to either the victim of the crime or the suspect in the crime.

SB 544 – Raising the threshold for bid requirements of municipal public works projects

(WV Code §8-16-5, §16-13A-7, §16-13D-4)

Effective May 27, 2024

By Senators Jeffries, Grady, Hamilton, Nelson, Phillips, Smith, Swope, Takubo, Weld, Woelfel, Plymale, Roberts, Queen, and Barrett

Muni Brief: Raises the bid threshold for municipal public works, including utilities, from \$25,000 to \$50,000.

Official Description: Relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects, including any municipal public utility projects, and for public service district projects; establishing the threshold at \$50,000 for bids for projects under the Regional Water And Wastewater And Stormwater Authority Act; and exempting emergency repairs from bidding requirements.

SB 551 – Modifying requirements related to levy of service fees

(WV Code §8-13A-12)

Effective June 6, 2024

By Senator Nelson

Muni Brief: Removes the requirement that Business Improvement Districts apply surplus funds to reduce fees for the next fiscal year.

Official Description: Relating to business improvement districts; and modifying requirements related to levy of service fees.

SB 557 – Relating to compensation for firefighters required to work holidays

(WV Code §8-15-10A)

Effective June 7, 2024

By Senators Oliverio, Caputo, Hamilton, Grady, Maroney, Queen, and Deeds

Muni Brief: Effective July 1, 2024, requires that firefighters be paid for a full shift regardless of how much of their shift actually falls on a holiday.

Official Description: Relating to compensation for firefighters who are required to work holidays; establishing that firefighters who are required to work during a legal holiday are entitled to compensation for their entire shift even if the shift spans two calendar days.

SB 605 – Requiring electronic funds transfer of retirement contributions by participating employers

(WV Code §5-10D-12)

Effective May 16, 2024

By Senators Nelson, Hunt, and Hamilton



Muni Brief: Requires all retirement contributions be remitted by electronic funds transfer beginning July 1, 2024. Imposes a \$300 surcharge for each paper check submission. The Director of the CPRB can waive the fee for emergencies or extenuating circumstances.

Official Description: Relating to the Consolidated Public Retirement Board; and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer.

SB 631 – Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees

(WV Code §16-13-16, §16-13-16a, §16-13A-9, §24-3-10)

Effective June 7, 2024

By Senators Barrett and Martin

Muni Brief: Sets additional criteria for being able to shut off water service for unpaid stormwater fees. Requires the formation of a municipal stormwater appeals board to hear appeals of assessment amounts. Allows for liens for unpaid stormwater fees.

Official Description: Relating to prohibiting utilities from shutting off a user's water service for nonpayment of stormwater fees without notice and compliance with certain conditions; creating board to hear appeals for assessment of estimated usage units; authorizing municipal utilities to discontinue water service to user delinquent in stormwater services fees and charges only after complying with certain requirements but imposing lien on premises served; allowing public service districts to discontinue water service to user delinquent in stormwater service fees and charges only after complying with certain requirements but imposing lien on premises served; and authorizing privately or publicly owned utilities from discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges only after complying with certain requirements but imposing lien on premises served.

SB 732 – Requiring cooperation between law-enforcement agencies and military authorities

(WV Code §15-10-7)

Effective June 6, 2024

By Senators Weld and Deeds

Muni Brief: Requires law-enforcement agencies disclose records and information about military members to the Adjutant General of the National Guard upon written request.

Official Description: Relating to cooperation between law-enforcement agencies and military authorities; providing prosecuting attorneys may assign an assistant prosecutor to provide assistance to the National Guard or other military authority within the state; providing that law enforcement shall share certain information with military authorities regarding military members; and establishing purpose of the amendments.

SB 782 – Defining deadlines for local permits and extensions for property development or improvement

(WV Code §8A-13-1, §8A-13-2, §8A-13-3, §8A-13-4)

Effective June 2, 2024

By Senators Swope, Jeffries, and Plymale

Muni Brief: Imposes a 60-day deadline for approval or denial of an application for permit, license, variance, or other type of prior approval for property development or improvement. Anything not approved or denied in 60 days is assumed to be approved. Extensions can be given if federal or state agency approval is needed, or if requested by the applicant.

Official Description: Relating to local permitting deadlines and extensions for applications for a permit, license, variance, or any other type of prior approval from a governing body or planning commission of a municipality or county for an action related to the development or improvement of property.



SB 874 – Relating to WV Division of Multimodal Transportation

(WV Code §17-16F-1, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-10a, §17-16F-10b, §17-16F-10c)

Effective June 6, 2024

By Senators Jeffries, Martin, Hamilton, Hunt, Oliverio, Roberts, Swope, Chapman, and Plymale

Muni Brief: Allows for the formation of local port authority districts under the West Virginia Division of Multimodal Transportation Facilities.

Official Description: Relating to the West Virginia Division of Multimodal Transportation Facilities; providing for additional legislative findings; modifying definitions; authorizing division to create local port authority districts; authorizing division to propose legislative rules for application process for creation of local port authority districts; providing that political subdivisions and certain joint ventures may create local port authority districts in accordance with a certain procedure; establishing an application and approval process for creation of local port authority districts; directing division to make certain considerations relating to creation of local port authority districts; providing for creation of board of directors for local port authority districts and membership composition; authorizing board to exercise certain powers; limiting eminent domain powers to the Division itself and prohibiting its imposition directly by local port authority districts; and directing board to prepare a certain annual plan.

SB 875 – Relating to certain insurance coverage provided by BRIM

(WV Code §29-12-15, §29-12-16)

Effective March 9, 2024

By Senators Tarr, Phillips, Clements, Jeffries, Nelson, Oliverio, Queen, Roberts, Swope, and Woodrum

Muni Brief: Imposes a moratorium on any new or additional property or liability insurance coverage for any entity not required to be covered by BRIM, including political subdivisions. Current contracts for coverage continue and can be extended. The moratorium is in effect until July 1, 2025.

Official Description: relating to liability or other insurance coverage provided by the Board of Risk and Insurance Management to any entity for which such coverage is permissive under state code; placing a moratorium on providing new or additional property or liability coverage to any entity for which such coverage is permissive under state code except county boards of education, public charter schools, and certain other persons and entities for which coverage by the board is mandatory; and authorizing the board to non-renew insurance coverage to any entity for which such coverage is permissive under state code.





HOUSE BILLS

HB 4110 – Authorizing certain miscellaneous agencies and boards to promulgate legislative rules

(WV Code §64-9-1)

Effective March 9, 2024

By Delegate Smith

Muni Brief: A rule promulgated by the Secretary of State's office implements some new cyber security requirements related to voting equipment. Most are addressed at county level activities, but to the extent the city uses county equipment in its elections, additional training may be required. The Secretary of State's office will provide details at the appropriate time.

Official Description: (NOTE: This was a huge rules bundle bill and the official description is very lengthy. We have omitted in this summary. Interested parties may find the official description online at wvlegislature.gov)

HB 4350 – Relating to appointment of candidates after filing period

(WV Code §3-5-11, §3-5-19)

Effective January 1, 2025

By Delegates Holstein and Kump

Muni Brief: Provides that if there is a vacancy on the ballot after the period for announcing candidacy is closed because no person in a particular party filed, the vacancy can't be filled, except if no person from any party has announced, the party executive committee may fill the vacancy. If a vacancy in nomination is caused by failure of a candidate to file or by withdrawal by a candidate, the vacancy can't be filled.

Official Description: Relating to filling vacancies on the ballot for election to a public office; and prohibiting the filling of a vacancy for a candidate to an elected office after the time is closed for announcing as a candidate which is caused by the failure of any person of a particular party to file for the elected office.

HB 4399 – Creating the equitable right to expungement

(WV Code §61-11-22, §61-11-22a, §61-11-25)

Effective June 7, 2024

By Delegates Nestor, Kump, and Lewis

Muni Brief: Allows that people who have completed a pre-trial diversion agreement and had their case dismissed may file for expungement of the records. Certain crimes are excepted such as felonies, stalking, battery and other similar personal crimes.

Official Description: Relating to general provisions concerning crimes; correcting internal citations; expungement of criminal records; and when a civil action may be filed to expunge criminal records for cases where charges have been dismissed following a full and successful completion of a pretrial diversion or deferred adjudication; relating to exceptions to the allowance to file a civil action for expungement.

HB 4552 – To ensure that party affiliation is consistent with candidate's voter registration

(WV Code §3-5-7)

Effective January 1, 2025

By Delegates Barnhart, Kimble, Heckert, Hillenbrand

Muni Brief: Prior to accepting a Certificate of Announcement from a candidate, imposes the duty on the city clerk to verify a candidate's current party affiliation. If the party on the



person's voter registration is different than the one listed on the Announcement, the filing shall be refused.

Official Description: Relating to verification of candidate's party affiliation as stated in certificate of announcement; specifying that certificate of announcement for partisan election must include candidate's political party on date of submittal; requiring election officer receiving certificate of announcement to electronically verify candidate's current party affiliation; requiring election officer to refuse certificate of announcement if candidate's current party affiliation not as stated on certificate of announcement; and providing an internal effective date..

HB 4782 – Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses

(WV Code §8-12-5a)

Effective May 30, 2024

By Delegates Horst, Chiarelli, Summers, Householder, Kimble, Phillips, Hite, Maynor, Hardy, Howell, and Espinosa

Muni Brief: Limits the ability of a city to impose planning or zoning restrictions on any gun-related business that are more restrictive than those on any other business. Prohibits placing quantity limitations on any gun-related business. Voids any ordinances in conflict with the new code. Prohibits cities from requiring gun-related businesses to be a certain distance from any other type of commercial property, or of school or educational property.

Official Description: Relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; and providing remedies for violations.

HB 4812 – Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities

(WV Code §8-13-5)

Effective June 7, 2024

By Delegate Foster

Muni Brief: Limits the amount a third-party collector of municipal B&O tax may charge for services to 20% of the amount collected.

Official Description: Relating to business and occupation or privilege tax imposed by municipalities; and setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a municipality.

HB 4822 – Creating the Certified Sites and Development Readiness Program

(WV Code §5B-2-19)

Effective June 5, 2024

By Delegates Maynor, W. Clark, Willis, Hite, Riley, Ward, Hornby, Hardy, Criss, Householder, and Rohrbach

Muni Brief: Increases the amount of micro grants to participants in the Certified Sites and Development Readiness Program from \$25,000 to \$75,000 for a single site.

Official Description: Relating to modifying the monetary amount of grants issued under the Certified Sites and Development Readiness Program under the Department of Economic Development.



HB 5006 – Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan

(WV Code §22-15A-2, §22-15A-16)

Effective May 19, 2024

By Delegates Anderson, Zatezalo, Cooper, Heckert, Riley, Fehrenbacher, Barnhart, Hansen, Young, Hott, Williams

Muni Brief: Updated the stated recycling goals for the state and updated definitions including the definition of “reportable recyclable material” for recycling establishments.

Official Description: Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan to eliminate antiquated recycling goals and to set new criteria for evaluating the State's success in achieving its recycling goals; defining new terms; providing certain exceptions; establishing reporting requirements for recycling establishments of certain defined recycled materials; establishing a required yearly reporting date; and providing for rule making.

HB 5170 – Increasing the size of matching grants for local economic development from \$30,000 to \$50,000

(WV Code §5B-2-14)

Effective June 4, 2024

By Delegates Howell and Young

Muni Brief: Raised the amount of grants to eligible economic development corporations or economic development authorities for matching grants from \$30,000 to \$50,000.

Official Description: To increase local economic development matching grants.

HB 5238 – Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles

(WV Code §17B-2-3a)

Effective June 6, 2024

By Delegate Linville

Muni Brief: Requires that any traffic violation where a juvenile is found guilty must be reported to the DMV. This may require a change in the way both courts and the DMV treat juvenile records. Cities should consult with their city attorneys to determine a process by which juvenile records are kept and transmitted to the DMV to maintain confidentiality of the juvenile record as required in other sections of the state code.

Official Description: Relating to mandating that all courts provide adjudication records for traffic violations and certain other offenses of juvenile offenders to the Division of Motor Vehicles.

HB 5294 – Revising State law regulating farm wineries

(WV Code §11-16-6, §11-16-11a, §60-3A-3a, §60-4-3a, §60-4-3b, §60-6-1, §60-7-2, §60-7-8a, §60-7-8d, §60-8-2, §60-8-3, §60-8-6c, §60-8-8, §60-8-32a, §60-8A-5)

Effective May 1, 2024

By Delegates W. Clark, Espinosa, Howell, Hardy, Horst, Dittman, Miller, Householder, Hite, Crouse, and Hornby

Muni Brief: Limits local regulation of activities on farm wineries by municipalities to that which would substantially impact health, safety, or welfare of the public. Limits municipalities from regulating noise from winery operations more restrictively than the general noise ordinance. Requires that municipalities treat gatherings held by the owner of a licensed farm winery where the owner resides at the property the same as any other private gathering. Restricts municipalities from regulating the service, sales, or tasting activities of farm wineries.

Official Description: Relating to wine, alcoholic liquors, hard cider and non-intoxicating beer generally; defining terms; removing requirement that certain samples must be complimentary; allowing on-premises consumption of alcoholic beverages at wineries, farm wineries, distilleries, mini distilleries, micro distilleries, brewers or resident brewers under specified

conditions; increasing number of samples per patron per day; allowing licensed alcohol representatives to purchase West Virginia product for approved sampling events; modifying sample sizes; authorizing alcohol manufacturers to attend private fairs and festivals, wine festivals, and one day charitable events and sell their manufactured alcohol by the drink or glass for on-premises consumption or by the bottle for off-premises consumption; clarifying that certain alcohol manufacturers may sell sealed bottles for off-premises consumption and on premises bottle service by the glass; modifying definition of close proximity to 300 feet; removing or limiting the ability of political subdivisions to regulate certain conduct of alcohol manufacturers, distilleries, mini-distilleries, micro-distilleries, wineries and farm wineries; removing private manufacturer club licensees' 15 hours per week food service requirement; authorizing simultaneous dual licensing in some circumstances; allowing sale and serving of alcohol, wine, nonintoxicating beer, nonintoxicating craft beer and cider in various types of containers, including glasses and bottles by specified licensees on specified premises; authorizing Class B retail licensees to conduct nonintoxicating beer and liquor sampling events; modifying sample sizes for Class A retail licenses and Class B retail licenses; authorizing licensed brewers and resident brewers to enter into alternating partnership agreements; providing that wineries or farm wineries possessing certain licenses are not subject to the food requirements for private wine restaurants; authorizing licensed representatives to purchase bottles for Class A retail licenses and Class B retail licenses who conduct events; permitting licensed representatives to serve samples; providing for treating fair and festival sales by licensees as on premises sales for the purpose of calculating the two percent of gross sales price of each retail liquor sale for market zone calculations; providing that temporary out of state licensees for one day events are not exempt from background checks required of full licensees; providing that certain licenses are not subject to specified background check requirements; allowing Class A wine licensees to serve food that does not require kitchen preparation; and allowing wineries or farm wineries providing hard cider samples to serve food that does not require kitchen preparation.

HB 5295 – Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders

(WV Code §8-12-26, §60-7-2a, §60-7-8a, §60-7-8g)

Effective March 4, 2024

By Delegates W. Clark, Willis, Marple, Young, Shamblyn, Hornby, Hite, W. Hall, Maynor, E. Pritt, Lucas

Muni Brief: Expressly allows Private Outdoor Designated Area (PODA) to simultaneously host multiple permit holders in the PODA, including fair and festival license holders. Eliminated the joint and several liability for permit holders.

Official Description: Relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders, including but not limited to a special S2 licensed and properly insured private fair and festival; providing that private outdoor designated areas may simultaneously host multiple permit holders; defining a term; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; and eliminating the joint and several liability of qualified permit holders.

HB 5298 – Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election.

(WV Code §3-5-4)

Effective January 1, 2025

By Delegates Espinosa, W. Clark, Young

Muni Brief: Provides that if a candidate loses in a primary election, they can't become a candidate for the same office with another recognized political party for the general election.



Official Description: Relating to prohibiting a candidate who failed to secure the nomination of a recognized political party in a primary election from seeking the same elected office as candidate of any other recognized political party for the same political office in the next succeeding general election; and providing an internal effective date.

HB 5347 – Relating to establishing a program for emergency medical services personnel to become certified paramedics

(WV Code §16-4C-6, §16-4C-10, §16-4C-24)

Effective July 1, 2024

By Delegates Jennings, Statler, Tully, Mallow, Shamblin

Muni Brief: Requires the establishment a program whereby EMTs with three years' experience are eligible to receive state assistance through the Emergency Medical Services Equipment and Training Fund to become a certified paramedic.

Official Description: Relating to emergency medical services; establishing a program for emergency medical technicians to become certified paramedics; revising procedures for hearing; and providing for funding of the program for emergency medical technicians to become certified technicians.

HB 5617 – Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities

(WV Code §24-2-1r)

Effective June 4, 2024

By Delegate Linville

Muni Brief: Adopts NFPA and American Water Work Association standards on testing, maintenance, and marking of fire hydrants. The PSC will develop rules and procedures related to fire hydrant testing to which all public utilities must comply.

Official Description: Relating to authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities; providing for resolution by Public Service Commission whenever portions of standards may conflict; providing a public water utility may use its cash working capital reserve for inspection, testing, maintenance, or replacement of fire hydrants to comply with the standards and rules adopted in this section.





RESOLUTIONS

SR 38 – Recognizing the value of, and supporting, small town and Main Street development in West Virginia

By Senators Jeffries, Queen, Plymale, and Grady

Muni Brief: Resolution affirming the Senate’s commitment to preserving the historic character and cultural heritage of West Virginia’s small towns while supporting innovation and entrepreneurship to ensure their continued prosperity.





BILL EFFECTIVE DATES

February 5, 2024	SB 31 – Authorizing Department of Human Services to promulgate legislative rules (page 7)
February 22, 2024	SB 400 – Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects (page 9)
March 4, 2024	HB 5295 – Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders (page 16)
March 8, 2024	SB 2 – Authorizing DEP to promulgate rules (page 6) SB 149 – Relating to municipalities required to be represented on county authority boards (page 7) SB 170 – Relating to compensable diseases of certain firefighters covered by workers' compensation (page 8) SB 217 – Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget (page 9) SB 445 – Reducing certification periods and renewal fees for EMS personnel (page 9)
March 9, 2024	SB 17 – Authorizing Department of Health to promulgate legislative rules (page 6) SB 875 – Relating to certain insurance coverage provided by BRIM (page 12) HB 4110 – Authorizing certain miscellaneous agencies and boards to promulgate legislative rules (page 13)
May 1, 2024	HB 5294 – Revising state law regulating farm wineries (page 15)
May 16, 2024	SB 605 – Requiring electronic funds transfer of retirement contributions by participating employers (page 10)
May 19, 2024	HB 5006 – Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan (page 15)
May 27, 2024	SB 544 – Raising the threshold for bid requirements of municipal public works projects (page 10)
May 30, 2024	HB 4782 – Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses (page 14)
June 2, 2024	SB 539 – Creating cold case database (page 10) SB 782 – Defining deadlines for local permits and extensions for property development or improvement (page 11)



June 4, 2024	<p>HB 5617 - Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities (page 17)</p> <p>HB 5170 – Increasing the size of matching grants for local economic development from \$30,000 to \$50,000 (page 15)</p>
June 5, 2024	<p>HB 4822 – Creating the Certified Sites and Development Readiness Program (page 14)</p>
June 6, 2024	<p>SB 452 – Designating certain water and wastewater facilities as emergency project (page 9)</p> <p>SB 551 – Modifying requirements related to levy of service fees (page 10)</p> <p>SB 732 – Requiring cooperation between law-enforcement agencies and military authorities (page 11)</p> <p>SB 874 – Relating to WV Division of Multitmodal Transportation (page 12)</p> <p>HB 5238 – Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles (page 15)</p>
June 7, 2024	<p>SB 164 – Relating generally to trespassing (page 8)</p> <p>SB 631 – Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees (page 11)</p> <p>HB 4399 – Creating the equitable right to expungement (page 13)</p> <p>HB 4812 – Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities (page 14)</p>
July 1, 2024	<p>SB 557 – Relating to compensation for firefighters required to work holidays (page 10)</p> <p>HB 5347 – Relating to establishing a program for emergency medical services personnel to become certified paramedics (page 17)</p>
January 1, 2025	<p>SB 166 – Updating contested elections procedures (page 8)</p> <p>HB 4350 – Relating to appointment of candidates after filing period (page 13)</p> <p>HB 4552 – To ensure party affiliation is consistent with candidate’s voter registration (page 13)</p> <p>HB 5298 – Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election (page 16)</p>

