



# 2025 LEGISLATIVE SUMMARY



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## THE 2025 LEGISLATIVE SESSION RECAP

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There was plenty of “new” in the 2025 Legislative Session - new Governor, new Senate leadership and committee chairs, a new committee process in the house, and about 30% of the body were new representatives.

Elections were a popular topic this year. Many bills were targeted toward voting requirements and administration that were of concern to the county clerks and the Secretary of State’s Office, but SB 50, a bill requiring municipalities to conduct elections on the same day as county elections finally found its way across the finish line. This bill has been introduced for the last five years, and we had managed to impress upon the body the complications involved – not to mention that constituents in municipalities should be able to determine when they want to have their elections – but the majority in both houses wanted this bill this year. We have been in touch with the Secretary of State’s Office, and the County Clerk’s Association to start the conversations facilitating the transitions. The deadline for the transition is 2032, so we have a little bit of time to make it work or go back to the legislature with suggestions if it doesn’t work. As for the other election bills, we have included a special section in this summary of all the election related bills by title. If you need more information about any of them, please call us.

The Governor’s signature legislation dealing with microgrids and data centers had an interesting trip on its way to completion. Various special interest groups weighed in, as did the county commissioners, and the bill was amended many times from its original form. There will be implications for cities from this bill, but the degree of its impact on cities is hard to predict and we will need to monitor it going forward to help alleviate any unintended consequences. Please keep us posted as these facilities start to work their way into our communities.

As with the past several years, our work during the legislative session is the culmination of the work that you do, building your relationships with your Delegates and Senators all year long, so you are a trusted resource when they have questions about municipal issues. We did have to raise some alerts this year, and your response definitely influenced the final decisions that were made. Many organizations have members fill in template communication to send to their representatives, but those are not as impactful as letting them know how their decisions will affect their constituents who live in our West Virginia’s municipalities.

Thank you for your continued engagement!

Susan Economou, Executive Director





## MUNICIPAL BILL TALLY

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2,460 Total bills were introduced

285 Bills were tracked by the League

37 Bills contained provisions strengthening local control or benefiting local government

22 Bills would have limited municipal revenues

44 Bills contained preemptions on local government authority



## A NOTE ABOUT “MUNI BRIEF”

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In addition to the official title summaries of the bills provided in the legislation itself, we are including a municipal “Muni Brief” to provide a simplified interpretation on the potential 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

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### **SB1 – Requiring utility work and road paving coordination (WV Code §17-4-8a)**

Effective July 10, 2025

By Senators Chapman, Rose, and Rucker

**Muni Brief:** The new code imposes coordination requirements between utilities and the Division of Highways, but part of the code requires that the DOH publish on its website all planned paving activities and activity reported to be performed by utilities by district, which should help municipalities know when and where these activities will be taking place within their borders.

**Official Description:** Adds a new section relating to road paving and utility work coordination; defining terms; requiring reports by utilities; requiring report review by the Division of Highways and posting of information on its website; and requiring restoration work by utilities.

### **SB 8 – Providing additional sites and devices for newborn safe surrender (WV Code §49-4-201, §49-4-206)**

Effective June 17, 2025

By Senators Thorne, Woodrum, Helton, Rucker, Rose, Deeds, Chapman, and Grady

**Muni Brief:** Adds EMS facilities, police departments, and sheriff's detachments as approved locations for a newborn safety device for safe surrender.

**Official Description:** Relating to permitting the installation of newborn safety devices at emergency medical service facilities, police departments, or sheriff's detachments that have been designated as safe-surrender sites; and providing conditions for the same.

### **SB 50 – Requiring municipal elections to be held on same day as statewide elections (WV Code §3-1-29, §3-1-31, §8-5-5)**

Effective July 11, 2025

By Senators Taylor, Deeds, Oliverio, Willis, Hamilton, and Rucker

**Muni Brief:** Requires municipal elections to be held in coordination with statewide elections, either on the primary or general election day. Requires municipalities change their charters or their ordinances (or both) to specify the new election days. Municipalities have until 2032 to complete the transition. We will be coordinating with the Secretary of State's Office and the County Clerks Association to help cities with the transition.

**Official Description:** Relating to requiring municipal elections to be held on the same day as statewide elections; and requiring municipalities to amend existing ordinances or charters or adopt new ordinances or charters to require municipal elections to be held on the same day as statewide elections.



**SB 270 – Declaring sale and manufacture of firearms essential business during declared emergency  
(WV Code §15-5-19a)**

Effective July 8, 2025

By Senators Martin, Rose, Thorne, Deeds, Phillips, Rucker, Hart, Bartlett, and Morris

**Muni Brief:** Generally restricts any actions related to firearms imposed during a state of emergency that aren't already restricted by state law.

**Official Description:** Relating to limiting restrictions of firearms owners during certain states of emergency and other like states; declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; adding entities engaged in providing firearms safety training, or firearms safety instructor courses, classes, or programs to a list of entities the operation of which may not be restricted by state action in an emergency; limiting restrictions on lawful hunting or fishing activities in an emergency; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; providing enumerated exceptions that would permit limited government action in the regulation of firearms in emergencies in certain narrowly tailored factual scenarios; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

**SB 369 – Authorizing miscellaneous boards and agencies to promulgate legislative rules  
(WV Code 34-9-1 through §64-9-21)**

Effective April 4, 2025

By Senator Woodrum

**Muni Brief:** This bill was a rules bundle. Changes include repeal of the rule for the Dept of Agriculture's administration of state aid for fairs and festivals.

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



**SB 456 – Defining “men” and “women”  
(WV Code §5-32-1 to §5-32-9)**

Effective June 9, 2025

By Senators Smith and Woelfel

**Muni Brief:** States that no local government agency “may prohibit distinctions between the sexes with respect to domestic violence shelters, or other accommodation where biology, safety, or privacy are implicated and that result in separate accommodations...”. Prohibits examining a minor to determine the biological sex of the minor. Although vague, it seem to indicate that local governments can’t prohibit separate-sex restrooms, shower rooms, locker rooms, changing areas, or sleeping quarters.

**Official Description:** Relating to sex definitions and single-sex spaces; providing purposes and general application; providing findings; creating definitions; establishing a standard of review; clarifying that the article does not authorize certain examinations of minor children; providing that determination of the biological sex of a minor is determined at the minor’s time of birth; providing for certain standards applicable to domestic violence shelters, public schools, institutions of higher education, and correctional institutions; clarifying certain sex-based data collection; and providing for severability.

**SB 459 – Requiring county planning commission members be state residents  
(WV Code §8A-2-3, §8A-2-4, §8A-2-5)**

Effective July 6, 2025

By Senators Thorne, Helton, Hamilton, and Willis

**Muni Brief:** Requires that members of municipal planning commissions have maintained a West Virginia residence for at least three years and a resident of the city for at least one year immediately prior to appointment. Explicitly prohibits grandfathering and any current members who don’t meet the requirements as of the effective date of the bill must be replaced. Also applies to county planning commissions, multicounty planning commissions, regional planning commissions, or joint planning commissions.

**Official Description:** Relating to requiring that members of municipal, county, and other planning commissions meet certain residency requirements; mandating that members of municipal and county planning commissions be West Virginia residents for the three years immediately preceding the appointment; requiring that such members be residents of the county or municipality in which the planning commission to which they are appointed is situated for a certain time period prior to appointment; requiring that members of multicounty, regional, and joint planning commissions be residents of the jurisdiction of the planning commission to which they are appointed for at least three years immediately preceding the appointment; and prohibiting members of planning commissions who do not meet residency requirements from remaining on the planning commission.



**SB 490 – Prohibiting ranked-choice voting in elections in West Virginia  
(WV Code §3-1-52)**

Effective June 5, 2025

By Senators Woodrum, Oliverio, Rucker, and Rose

**Muni Brief:** Defines and prohibits ranked choice elections by the state and its political subdivisions. Existing ordinances implementing ranked choice elections are void.

**Official Description:** Adding a new section relating to prohibiting ranked-choice voting in elections in West Virginia.

**SB 500 – Transferring audits of volunteer fire departments to Legislative Auditor  
(WV Code §31-18E-9)**

Effective July 6, 2025

By Senators Chapman and Deeds

**Muni Brief:** Changes responsibility for auditing Volunteer Fire Departments from the State Auditor to the Legislative Auditor. The Legislative Auditor reports any concerns to the State Auditor who investigates.

**Official Description:** Relating to transferring audit authority for volunteer fire companies to the Legislative Auditor.

**SB 538 – Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction  
(WV Code §8-15-7A)**

Effective April 3, 2025

By Senators Helton and Fuller

**Muni Brief:** Removed the sunset on the ability of land banks'/reuse agencies' right of first refusal at tax sales. Update criteria for refusal to sell to neighboring properties to be consistent with who excluded from bidding at the tax sale. Imposes reporting responsibility on the WV Land Stewardship Corporation for annual reports on land banks/reuse agencies activity.

**Official Description:** Relating to removing the sunset date on the provision granting the right of first refusal to land reuse agencies and municipal land banks for acquiring certain tax-delinquent properties that permits these entities to purchase qualifying tax-delinquent properties before they are offered at public auction; modifying criteria that allow land bank or land reuse agency to refuse to sell property to adjacent property owner; revising reporting requirements; and allowing Joint Committee on Government and Finance to subpoena land bank or land reuse agency for purposes of conducting audit.



**SB 573 – Relating to restrictions on use or sale of motor vehicles based on power source  
(WV Code §1-8-1)**

Effective July 3, 2025

By Senators Queen, Rose, Taylor, Rucker, Maynard, and Thorne

**Muni Brief:** Preempts municipalities from restricting use, purchase, or sale of motor vehicles based on power source – meaning cities can't restrict electric or gas-powered vehicles just because they are electric or gas-powered. The restriction doesn't apply the city's own fleet, so a city can go all electric or all gas-powered, just can't regulate citizens.

**Official Description:** Relating to restrictions on powers of state agencies and political subdivisions; prohibiting state agencies and political subdivisions from restricting use, purchase, or sale of motor vehicles based on energy or power source; defining terms; and providing exceptions.

**SB 586 – Relating to requirements for filling vacancies in certain elected federal, state, and county offices  
(WV Code §8-5-10)**

Effective April 12, 2025

By Senator Garcia

**Muni Brief:** Requires that vacancies in elected offices be filled with a person from the same political party as the person who vacated the office was affiliated with at the time they were elected, provided they had been with that party for at least a year prior to the vacancy. Floor discussion indicated that there would be no impact if elections were held on a non-partisan basis, but the wording does not explicitly state that exemption. It does not indicate how partisan party nominees would be selected.

**Official Description:** Relating to requirements for filling vacancies in certain elected federal, state, county, and municipal offices; prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of his or her registered political party for at least one year prior to the occurrence of the vacancy; providing that process to select candidates to fill state Senate and House of Delegates seats be governed by the party senatorial district executive committee or party delegate district executive committee, or in the case of a single-county senatorial or delegate district, by the county executive party, as applicable for the respective political party; authorizing the Governor to appoint an acting official to perform the duties of a constitutional officer until that office is filled by appointment; filling vacancies in the office of magistrate; providing that vacancies in the office of magistrate with an unexpired term of more than two years are filled by subsequent nonpartisan judicial election held concurrently with the primary or general election, whichever occurs first; excluding vacancies in the office of magistrate from certain other provisions relating to process for filling vacancies; authorizing prospective vacancy due to upcoming resignation or retirement of a magistrate to be filled by circuit judge or chief circuit judge; and requiring generally that partisan office appointments be made from the political party with which the individual vacating the office was affiliated at the time of the previous election for that office.



**SB 587 – Relating generally to government contracting  
(WV Code §5-22B-1 through §5-22B-19)**

Effective July 11, 2025  
By Senator Jeffries

**Muni Brief:** Increases the amount at which construction projects must be bid from \$25k to \$50k. Requires bids be valid for 90 calendar days after opening unless extended by written agreement. Creates ability for “Construction Management At-Risk Contracts” which generally involves a construction manager who manages construction from design to completion and takes financial responsibility for the project’s budget by providing a guaranteed maximum price and absorbing cost overruns.

**Official Description:** Relating to government contracting; increasing the minimum competitive bid threshold from \$25,000 to \$50,000; providing for a bid validity period; clarifying factors for considering when bids exceed budgeted amount; enacting the Government Construction Management At-Risk Contracts Act; providing a short title; defining terms; authorizing the state and/or its subdivisions to engage in construction management at-risk contracts for projects greater than \$15 million in total estimated cost; requiring the state and/or its subdivisions adopt policies and procedures for use in construction management at-risk contract; requiring the state and/or its subdivisions using construction management at-risk delivery method provide notice; requiring the state and/or its subdivisions issue request for qualifications; requiring the state and/or its subdivisions issue requests for proposals; establishing a standardized format for a proposal; establishing the criteria a request for proposal must contain; providing standards and criteria for the evaluation of proposals; providing for prequalification of firms; requiring a proposal evaluation committee; establishing suggested membership of a proposal evaluation committee; providing evaluation criteria and weight for aspects of proposals; setting forth process to determine best value; authorizing the state and/or its subdivisions to amend contracts after acceptance; providing exceptions for special maintenance projects; making documents public in some instances; providing for rulemaking; required reporting; setting forth a sunset date; and making technical and conforming amendments.





## HOUSE BILLS

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### **HB 2014 – Certified Microgrid Program**

**(WV Code §5B-2-21, §5B-2-21A, §5B-2-21B, §5B-2N-2A, §11-6N- 1 through §11-6N-5, §11B-2-33, §24-2-1D, §24-2-1Q, §24-2-15, and 24-2-19)**

Effective July 11, 2025)

By Delegates Hanshaw, Riley, Fehrenbacher, Anderson, Zatezalo, Akers, and Hornbuckle

**Muni Brief:** Enables energy micro-grids to supply power to large power users and creates the High Impact Data Center program. Certified high impact data centers are not subject to county or municipal zoning, horticultural, noise, viewshed, lighting, development, or land use ordinances or restrictions. They are exempt from county or municipal building permitting, inspection, or code enforcement. They are exempt from county or municipal license requirements. They are not subject to the legal jurisdiction of the county or municipality. They are exempt from municipal approval for a TIF. They do have to pay B&O, collect and remit sales tax, and pay municipal service fees. They are entitled to municipal police and fire protection (which is confusing since they are outside of municipal legal jurisdiction). They have to comply with state building code although the code section cited in the bill is §8-12-13, which is the municipal building code enforcement section from which they were exempted under a different part of the bill. The State can make improvements to road infrastructure to facilitate a certified microgrid district or certified data center. Municipalities will not receive property tax from a certified microgrid district or a certified data center.

**Official Description:** Relating to the generation and consumption of electric power; establishing the certified microgrid development program; providing for microgrid certification requirements; providing for microgrid electric service requirements; providing for microgrid customer eligibility; providing for microgrid special contracts; prohibiting microgrids from participating in Pilot and tax increment financing programs; defining microgrid property subject to property tax; providing for microgrid letter of intent, notice period and negotiation; providing for microgrid special contracts; establishing the high impact data center program; providing for notification, certification, and recordkeeping; authorizing certain agencies to assist certified microgrid districts and certified high impact data centers; prohibiting local jurisdiction regulation of microgrid districts and high impact data centers; providing for payment of certain fees and taxes; providing for certain services to microgrid districts and certified high impact data centers; establishing the electric grid stabilization and security fund and its purpose; creating new article relating to special method for valuation of certain high technology property; defining terms; providing for microgrid districts and certified high impact data centers property returns to be filed with Board of Public Works; providing for special rules for tax distribution; establishing certain funds to receive distributions; terminating article; establishing the personal income tax reduction fund and providing for purpose; providing for additional duties of public service commission 2 relating to future electric generating capacity, base fuel coal supply for electric grid resiliency, consumer rate relief bonds, and automatic adjustment clauses, price indexes, or fuel adjustment; providing for rulemaking; and providing that certain funds may not be used by a public utility to close or cease operations at an electric generating plant.



**HB 2054 – Relating to liability of vendors in private farmers markets  
(WV Code §60-4-3a, §60-7-2, §60-7-3, §60-7-8c, §60-7-8e, §60-7-8g, §60-8-2, and §60-8-32a)**

Effective July 11, 2025

By Delegates W. Clark, Maynor, and Masters

**Muni Brief:** Expands the type of alcohol licensees that can participate in a PODA district.

**Official Description:** Amending liquor sampling requirements; revising definitions; addressing and making minor corrections in the Alcohol Beverage Control Administration (“ABC”) code sections correcting mistakes relating to a \$100 requirement for canned or packaged food; removing the requirement that a private farmers market or private food court with two or more unrelated vendors applying for a license must certify that all vendors have agreed to liability responsibility therein and removing the requirement that a private farmers market or private food court provide a written copy of the agreement between all vendors acknowledging that each vendor is jointly and severally liable for any violations; authorizing the use of self-pour automated systems for nonintoxicating beer, cider, and wine by the drink on licensee premises; removing the requirement that a joint and several liability agreement be executed between the multiple vendors at a multi-vender fair or festival; regulating private clubs sale and service of alcoholic and non-intoxicating beverages; providing limitations on sealed craft cocktail or wine growlers sold to persons who have dined in an establishment, or a patron who is in vehicle while picking up food or a meal and ordered a sealed craft cocktail or wine growler; clarifying and expanding the types of licensed entities authorized to participate in a duly permitted private outdoor designated area (“PODA”); defining terms; exempting certain licensees from certain fees; authorizing consumer activity within a PODA; authorizing S1, S2, and S3 licensees to participate in a private outdoor designated area on the premises of a participating Class S4 permit holder upon written invitation of the Class S4 permit holder; correcting mistaken listed percentage for fortified wine; all generally relating to the licensing, sale and service of alcoholic liquor, nonintoxicating beer or nonintoxicating craft beer, wine, cider, craft and cocktails as beverages or sealed containers, and where same may be sold and served.

**HB 2129 – Creating the Parents’ Bill of Rights**

**(WV Code §49-12-1 through §49-12-4)**

Effective July 2, 2025

By Delegates Butler, Kump, Pinson, Kimble, Funkhouser, Ridenour, Horst, Heckert, and Dillon

**Muni Brief:** This new code states in part that political subdivisions may not infringe on the rights of parents to direct the upbringing, education, health care, and mental health of their minor child unless to achieve a “compelling state interest”. Any restriction must be narrowly tailored and not otherwise served by a less restrictive means. Much of the floor discussion concerned schools and vaccines, but the language is very broad. Exclusions for unlawful or abusive conduct are included.

**Official Description:** Creating a short title; providing legislative findings; creating definitions; creating a standard of review; clarifying parental rights; creating a defense; providing for certain injunctive relief; providing applicability; and providing certain limitations.



**HB 2152 – Prompt Payment Act of 2025**  
**(WV Code §12-10-1 through §12-10-3)**

Effective July 1, 2025

By Delegates Burkhammer, Leavitt, and Hott

**Muni Brief:** This new code requires state agencies to issue payment of any legitimate claim for payment within 45 days within receipt of the claim for payment. This applies to grant awards as well as purchases of commodities or services.

**Official Description:** Relating to prompt payment by state agencies of certain obligations; providing a short title; defining terms; providing that grantees and vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate claim for payment; determining the date a legitimate claim for payment is considered received by a state agency; requiring an agency to notify the State Auditor when it has violated this act; allowing vendors and grantees to notify the State Auditor when an agency has violated this act; and requiring the State Auditor to publish a list of noncompliant agencies on the State Auditor's website and update the list on at least a monthly basis; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; and providing for exceptions.

**HB 2165 – Allowing disabled purple heart recipients park free at municipal metered parking spaces**  
**(WV Code §17A-3-15a, §17C-13-6)**

Effective July 9, 2025

By Delegates J. Cannon, Chiarelli, Holstein, Riley, Cooper, Maynor, Hornby, Willis, and Young

**Muni Brief:** Persons with a disabled veteran or purple heart license plate do not have to pay to park in a metered space. Cities can't require payment in a parking meter at an accessible spot if: the person has a special accessible plate or placard, the person is unable to walk, the meter is not accessible while sitting in a wheelchair or more than 30 feet from the parked vehicle, and the vehicle has a letter from a medical provider displayed in the windshield.

**Official Description:** Relating to free parking for certain individuals; prohibiting public entities from requiring certain persons with a mobility impairment who are unable to walk from having to pay for accessible parking at parking meters that are inaccessible; defining terms; specifying parameters of prohibition and entitlement for payment exemption; making penalty of false swearing applicable for false certification of inability to access parking meter without unreasonable effort; prohibiting citations; providing for *prima facie* evidence; providing disabled veterans and veterans who received the Purple Heart may park free at metered parking spaces at any municipality in the state.



## **HB 2434 – Relating to establishing the Stop the Squatters Act (WV Code §55-3D-1 through §55-3D-4)**

Effective July 10, 2025

By Delegates Hornby, Maynor, Crouse, Willis, Ward, Chiarelli, Holstein, Funkhouser, and Kimble

**Muni Brief:** Generally equates “squatting” as defined in the act with trespassing. Property owners can request law enforcement officers remove squatters if conditions outlined in the code are met. Property owners have to file a complaint for immediate removal of squatters, which triggers an investigation by agency. Law enforcement agencies are entitled to a fee for service of notice. Criminal penalties are established. Property owners who file bad faith complaints indemnify the law enforcement agency. Establishes a criminal penalty for listing or advertising property for sale or rent when the person has no legal title or authority over the property.

**Official Description:** Relating to squatting; establishing the Stop Squatters Act; providing a short title and findings; amending the definition of squatting and adding a definition for squatter; providing a limited alternative remedy to remove unauthorized persons from residential and commercial real properties; providing for the immediate removal by a law- enforcement agency upon request of the property owner of any person unlawfully occupying a residential dwelling or commercial building if certain conditions are met; providing a civil cause of action for wrongful removal; establishing misdemeanor and felony offenses for unlawfully occupying and intentionally damaging a residential dwelling or commercial building and providing penalties upon conviction thereof; establishing a misdemeanor offense for knowingly presenting a false document purporting to convey real property and providing penalties upon conviction thereof; and establishing a felony offense for any person who knowingly lists or advertises residential real property or a commercial building for sale or renting without legal title or authority and providing penalties upon conviction thereof.

## **HB 2441 – To make those who fail a drug test ineligible for unemployment (WV Code §21-6-3)**

Effective July 2, 2025

By Delegate Street

**Muni Brief:** Prohibits employees in safety-sensitive positions as defined in code, or employees in a position where alcohol or drug use creates an inherent risk to health and safety of the employee or others ineligible for unemployment if they are terminated for failing a random drug or alcohol test, or refusing to test.

**Official Description:** Relating to unemployment compensation; and providing that an employee is disqualified for benefits if discharged from work because of failure of random testing for alcohol or illegal controlled substances, where alcohol or drug use creates an inherent risk to the health and safety of the employee or others, or where the employee is employed in a safety-sensitive position.



**HB 2451 – To facilitate the creation of home-based businesses  
(WV Code §8-40-1 though §8-40-5, §8-41-1, §8-41-2, §8-13-4, §8-13-5, and §11-12-3)**

Effective July 11, 2025

By Delegates Hornby, Horst, Chiarelli, Willis, Kyle, Green, Brooks, Crouse, and Maynor

**Muni Brief:** This bill has sections applying to home-based businesses and small businesses that are not home-based. The bill exempts independent contractors (undefined) or sole proprietors who earn less than \$2,500 in annual gross revenue and who do not maintain a permanent physical location in the city from municipal licenses. Any business (home-based or not) with a gross revenue below \$2,500 annually is exempt from B&O tax. Home-based business is defined. Home-based businesses are permitted uses in any zoning classification. Municipalities are able to establish reasonable regulations on home-based businesses related to public health and safety, fire and building codes, traffic control, health and sanitation, transportation, solid or hazardous waste, pollution, and noise control. Home-based businesses are subject to B&O unless annual gross revenue is under \$2,500. Home-based businesses are required to get licenses only to the extent they are required of other similarly situated businesses. The bill includes the "Small Business Protection Act" which is a series of recitals related to state rulemaking that do not seem to impose any actual obligation on municipalities. The bill exempts people who have gross income under \$10,000 from paying for state business registration certificates.

**Official Description:** Exempting independent contractors and sole proprietors from business licenses under certain requirements; establishing an amount of annual gross revenue for businesses to be exempt from business and occupation taxes and privilege taxes; facilitating the creation of home based businesses; providing for definitions; providing for permitted use; providing for reasonable regulations; providing for limited conditions; providing for review; providing for the amount of income before a business has to obtain a business license; creating the Small Business Protection Act; providing intent and legislative findings; and providing a short title.

**HB 2484 – Clarifying the probationary period for paid municipal firefighters  
(WV Code §8-15-20)**

Effective July 8, 2025

By Delegates Crouse, Akers, Heckert, Drennan, Phillips, Hornby, Worrell, Mallow, Kelly, and Chiarelli

**Muni Brief:** Increases the probation period for newly appointed firefighters under Firemen's Civil Service Commission from six months to one year.

**Official Description:** Relating to increasing the probationary appointment period for vacancies filled by the Firemen's Civil Service Commission from six months to one year.

**HB 2742 – Relating to creating a limited waiver from certificate of public convenience and necessity requirements for certain water or sewer services projects  
(WV Code §8-15-20)**

Effective April 11, 2025

By Delegates Riley, Linville, D. Cannon, and Eldridge

**Muni Brief:** Creates a waiver of the certificate of public convenience and necessity when projects are technically feasible and have been reviewed and approved by the IJDC.

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



**HB 2866 – Relating to fees and charges for municipality provided fire services  
(WV Code §7-17-12 and §8-13-13)**

Effective July 9, 2025

By Delegate Burkhammer

**Muni Brief:** After June 30, 2024, fire fees imposed by municipalities in first due areas outside city limits **when the county has a fire service fee** can be imposed only after entering into an intergovernmental agreement with the county. Agreements are limited to a five-year term with options for renewal for additional five-year terms. If the county does not have a fire fee, no agreement is necessary.

**Official Description:** Relating to fees and charges for municipality-provided fire services; providing that no municipality may impose any new fire protection service fee, effective on or after June 30, 2024, on person or business located in a county that has imposed a fire service fee without an intergovernmental agreement in place between municipality and county commission; establishing required contents of agreement; establishing length of agreement and providing for renewal; and providing exception for increasing existing fees.

**HB 3133 – Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures  
(WV Code §7-1-3FF and §8-12-16)**

Effective April 10, 2025

By Delegates Shamblin, Akers, T. Howell, Petito, J. Cannon, Ferrell, Jeffries, and Hall

**Muni Brief:** Explicitly permits cities and counties to enter into a memorandum of understanding to partner on the demolition of dilapidated structures within a municipality.

**Official Description:** Relating to permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures.

**HB 3179 – Funding for failing public utilities  
(WV Code §24-2H-7)**

Effective July 9, 2025

By Delegates Kyle, D. Cannon, and Sheedy

**Muni Brief:** Specifies that the Public Service Commission can not order a utility to acquire a distressed or failing utility if the cost of capital improvements to the distressed/failing utility are more than: the aggregate required contribution under the extension of mains rules for new customers; or available grant funds either through the Water Development Authority or other sources; or a combination of all of these sources.

**Official Description:** Limiting the commission's authority on ordering the acquisition of distressed or failing authorities; and establishing guidelines for when the commission can order acquisitions.



**HB 3263 – Relating to providing notification of utility service disruption to its' customers  
(WV Code §24-2-22)**

Effective July 11, 2025

By Delegates Pushkin and Young By Delegates D. Kelly, B. Ward, Hott, Capito, Steele, Pinson, Queen, Westfall, Young, L. Pack

**Muni Brief:** Requires utilities to have an outage communication plan to notify customers of service disruptions which must be filed with the Public Service Commission. Plans must contain methodology for advance notification of planned disruptions, methods of communication, and notification content requirements including an estimate of the duration of the outage.

**Official Description:** Requiring utilities to create outage communication plans to notify customers of any planned and any unexpected disruption of utility services; providing plan content requirements; and requiring filing of plan with the Public Service Commission.

**HB 3342 – Firearms industry nondiscrimination act  
(WV Code §5A-13-1 through §5A-13-6)**

Effective July 8, 2025

By Delegates Hanshaw and Hornbuckle

**Muni Brief:** After July 8, 2025, prohibits political subdivisions from contracting with financial institutions that discriminate against firearm entities or trade associations (as defined in the code). There is an exception for sole-source providers. Decisions made by financial institutions based on “business or financial reasons” are not considered discrimination. Authorizes the AG to bring actions against financial institutions that violate the act.

**Official Description:** Establishing application of act to certain government contracts; providing an exception; setting forth when certain contracts are void; prohibiting financial institutions from discriminating against a firearm entity or firearm trade association; specifying the applicability of the prohibition; providing civil remedies for a violation by an individual; providing for enforcement by the Attorney General; providing that an enforcement action by the Attorney General does not prohibit a civil action by an individual; creating civil cause of action; requiring the Attorney General to submit names of financial institutions in violation to the Governor and to request that the state terminate any business relationship with the financial institution; providing a statute of limitations for actions; and providing exceptions to the prohibition.



**HB 3503 – Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act  
(WV Code §22-11-31)**

Effective July 11, 2025

By Delegates Hornby, Howell, Anderson, and Zatezalo

**Muni Brief:** Preempts political subdivisions from imposing restrictions on horticulture operations that are stricter than those in the state Water Pollution Control Act, or from imposing additional zoning, or other rules under the color of the Water Pollution Control Act that do not exist in the state Act.

**Official Description:** Relating to prohibiting the regulation by any county, municipality, or political subdivision of commercial horticulture within the subject matter of the Water Pollution Control Act; providing that such regulations are invalid and unenforceable; prohibiting any county, municipality, or political subdivision from bringing a cause of action within the subject matter of the Water Pollution Control Act against any commercial horticulture operation; and providing that any political subdivision may not enact an ordinance within the subject matter of the Water Pollution Control Act that is more stringent than any federal or state rule, regulation, program, or permitting regime.

**HB 3517 – Relating generally to fiscal emergencies of local governments  
(WV Code §6-9D-1 through §6-9D-12, and §8-35-3 through §8-35-60)**

Effective July 11, 2025

By Delegates Akers, Hanshaw, and Rohrbach

**Muni Brief:** The new sections of code enable the Auditor to place local governments under a “fiscal watch” or “fiscal emergency”. Governments under fiscal watch have to create a fiscal recovery plan. If a fiscal emergency is declared, a supervisory committee performs the essential government services and develops a financial recovery plan. Explicitly prohibits local governments from declaring bankruptcy without express written permission of the Auditor. Further changes to existing code include: removing the requirement that a city have no substantial debt as a condition of dissolution; making class I and II cities subject to dissection by petition; adding ability of county prosecuting attorney or State Auditor to petition circuit court for dissolution of cities under certain circumstances; specifies that State Auditor is the receiver for all assets of a dissolved city with the right to liquidate assets.

**Official Description:** Setting out auditable conditions of local governments; providing details of initiation of a fiscal watch review; providing guidelines for identifying potential for declarations of a fiscal watch or fiscal emergency; providing for rulemaking; providing conditions constituting grounds for a fiscal watch; relating to the declaration of the existence of a fiscal watch; providing for a financial recovery plan; relating to determining the existence of a fiscal emergency; providing conditions constituting grounds for a fiscal emergency; establishing a process for appeal of a decision of the State Auditor that a fiscal emergency exists; relating to the establishment of a financial planning and supervision committee and further rulemaking authority of the State Auditor; relating to what constitutes compliance of this article by a local government; relating to a prohibition against relief under federal bankruptcy laws unless otherwise authorized; providing a severability clause; modernizing the process for the dissolution and forfeiture of certain municipalities; modernizing the process for the voluntary dissolution of municipal corporations; establishing the process for the involuntary dissolution of municipal corporations; establishing that the State Auditor shall serve as a special receiver upon declaration of the forfeiture of the charter or certificate of incorporation, or the certification of the election for voluntary dissolution, or upon an order by the Circuit Court for involuntary dissolution of a municipality; establishing and relating to the disposition of property belonging to a dissolved municipal corporation; establishing the process for sale and liquidation of a dissolved municipality's assets.





## CRIMINAL CODE CHANGES

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The following bills made changes to the State criminal code. We are providing the bill numbers and titles.

**SB 138 – Enhancing penalties for fleeing officer  
(WV Code §17C-5-2, §61-5-17, and §61-11-18)**

Effective June 12, 2025  
By Senators Hamilton and Bartlett

**SB 196 – Lauren’s Law  
(WV Code §60A-4-401, §60A-4-409, §60A-4-414, §60A-4-416, §60A-4-419, §61-11-8 and §62-12-2)**

Effective July 11, 2025  
By Senators Deeds, Taylor, Woodrum, and Willis

**SB 198 – Prohibiting creation, production, distribution, or possession of artificially generated child pornography  
(WV Code §61-8-28a, §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, §61-8C-3b, and §61-8C3c)**

Effective July 9, 2025  
By Senators Grady and Deeds

**SB 240 – Updating crime of sexual extortion  
(WV Code §61-2-13, and §61-8B-6)**

Effective June 12, 2025  
By Senators Hamilton, Deeds, and Rucker

**SB 617 – Discouraging gang activity  
(WV Code §61-13-1 through §61-13-3)**

Effective July 9, 2025  
By Senators Roberts, Azinger, Barrett, Deeds, Fuller, Hart, Helton, Jeffries, Maynard, Morris, Rose, Stuart, Tarr, Thorne, Bartlett, and Willis

**HB 2066 – Creating a crime for the destruction of first responder equipment  
(WV Code §61-3-60)**

Effective July 11, 2025  
By Delegates Akers, Hall, D. Smith, T. Howell, Drennan, Leavitt, Kyle, Heckert, Hornby and Kelly



**HB 2123 – Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse  
(WV Code §61-8D-3 and §61-8D-4)**

Effective July 11, 2025

By Delegates Akers, Hall, D. Smith, T. Howell, Drennan, Leavitt, Kyle, Heckert, Hornby and Kelly

**HB 2217 – Relating to penalties for conspiracy to commit murder  
(WV Code §61-10-31)**

Effective July 7, 2025

By Delegate Steele

**HB 2344 – Relating generally to traffic safety  
(WV Code §17C-1-71 and §17C-14-9A)**

Effective July 11, 2025

By Delegates J. Cannon, Chiarelli, Holstein, Browning, and Eldridge

**HB 2360 – Clarifying the victims of crimes against law-enforcement officers  
(WV Code §61-11-27)**

Effective July 7, 2025

By Delegate Kelly

**HB 2752 – Relating to motorcycle safety  
(WV Code §17C-15-44)**

Effective July 9, 2025

By Delegates Crouse, Drennan, Dean, Horst, White, Brooks, Clay, D. Cannon, and Hott

**HB 2871 – Relating to the crime of negligent homicide  
(WV Code §17C-5-1 and §61-2-30)**

Effective July 10, 2025

By Delegates Funkhouser, Hornby, Holstein, Masters, W. Clark, Chiarelli, Hillenbrand, Mallow, Horst, Kump, and Roop

**HB 3434 – Relating to the controlled substance schedules and to clean-up errors identified in the code sections  
(WV Code §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212)**

Effective July 10, 2025

By Delegate Kelly





## ELECTION CODE CHANGES

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The following bills made changes to the election process. We are providing the bill numbers and titles. Additional information on the implementation or potential impact of these changes on municipal elections will be provided by the West Virginia Secretary of State's Office. See page 5 for more detailed information on Senate Bill 50 related to moving municipal election dates.

### **SB 486 – Clarifying eligibility requirements to vote in WV elections (WV Code §3-1-3)**

Effective June 17, 2025

By Senators Woodrum and Oliverio

### **SB 487 – Removing ineligible voters from active voter rolls (WV Code §3-2-25)**

Effective June 15, 2025

By Senator Woodrum

### **HB 2709 – Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot (WV Code §3-1-41)**

Effective July 6, 2025

By Delegates Akers, Crouse, Leavitt, Petito, Shamblin, Halll, Drennan, Jeffries, J. Cannon, and Hornby

### **HB 3016 – Photo voter ID (WV Code §3-1-34 and §17B-2-1)**

Effective July 11, 2025

By Delegates Moore, Akers, Jeffries, Rohrbach, B. Smith, Street, Phillips, Holstein, Funkhouser, Riley, McGeehan





## RESOLUTIONS

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### **SR 50 – Requesting federal government study waterway restoration to mitigate existing and future flooding**

By All Senators led by Senator Phillips

### **HCR 78 – Urging the Commissioner of Highways to prioritize completion of I-71, the King Coal Highway**

By Delegates Adkins, Akers, Amos, Barnhart, Bridges, Brooks, Browning, Campbell, D. Cannon, J. Cannon, Canterbury, Chiarelli, T. Clark, W. Clark, Clay, Cooper, Criss, Crouse, Dean, DeVault, Dittman, Drennan, Eldridge, Ellington, Fehrenbacher, Ferrell, Flanigan, Foggin, Funkhouser, Garcia, Gearheart, Breen, Hall, Hamilton, Hansen, Hanshaw, Heckert, Hite, Holstein, Hornbuckle, Hornby, Horst, Hott, G. Howell, T. Howell, Jeffries, Jennings, Kelly, Kimble, Kump, Kyle, Leavitt, Lewis, Linville, Mallow, Marple, Masters, Maynor, Mazzocchi, McCormick, Miller, Moore, Parsons, Pettit, Phillips, Pritt, Pushkin, Riley, Rohrbach, Roop, Shamblin, Sheedy, B. Smith, D. Smith, Statler, Steele, Stephens, Street, Toney, Vance, Ward, White, Williams, Willis, Worrell, Young, Zatezalo, McGeehan





## BILL EFFECTIVE DATES

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April 3, 2025	<b>SB 538</b> – Allowing certain entities to purchase qualifying tax-delinquent property before they are offered at public auction (page 8)
April 4, 2025	<b>SB 369</b> – Authorizing miscellaneous boards and agencies to promulgate legislative rules (page 6)
April 10, 2025	<b>HB 3133</b> – Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures (page 16)
April 11, 2025	<b>HB 2742</b> – Relating to creating a limited waiver from certificate of public convenience and necessity requirements for certain water or sewer projects (page 15)
April 12, 2025	<b>SB 586</b> – Relating to requirements for filling vacancies in certain elected federal, state, and county offices (page 9) <b>HB 2054</b> – Relating to liability of vendors in private farmers markets (page 12)
June 5, 2025	<b>SB 490</b> – Prohibiting ranked-choice voting in elections in West Virginia (page 8)
June 9, 2025	<b>SB 456</b> – Defining “men” and “women” (page 7)
June 17, 2025	<b>SB 8</b> – Providing additional sites and devices for newborn safe surrender (page 5)
July 1, 2025	<b>HB 2152</b> – Prompt Payment Act of 2025 (page 13)
July 2, 2025	<b>HB 2129</b> – Creating the Parents’ Bill of Rights (page 12) <b>HB 2441</b> – To make those who fail a drug test ineligible for unemployment (page 14)
July 3, 2025	<b>SB 573</b> – Relating to restrictions on use or sale of motor vehicles based on power source (page 9)



July 6, 2025	<b>SB 459</b> – Requiring county planning commission members be state residents (page 7) <b>SB 500</b> – Transferring audits of volunteer fire departments to Legislative Auditor (page 8)
July 8, 2025	<b>SB 270</b> – Declaring sale and manufacture of firearms essential business during declared emergency (page 6) <b>HB 2484</b> – Clarifying the probationary period for paid municipal firefighters (page 15) <b>HB 3342</b> - Firearms industry nondiscrimination act (page 17)
July 9, 2025	<b>HB 2165</b> – Allowing disabled purple heart recipients park free at municipal metered parking spaces (page 13) <b>HB 2866</b> – Relating to fees and charges for municipality provided fire services (page 16) <b>HB 3179</b> – Funding for failing public utilities (page 16)
July 10, 2025	<b>SB 1</b> – Requiring utility work and road paving coordination (page 5) <b>HB 2434</b> – Relating to establishing the Stop the Squatters Act (page 14)
July 11, 2025	<b>SB 50</b> – Requiring municipal elections be held on same day as statewide elections (page 5) <b>SB 587</b> – Relating generally to government contracting (page 10) <b>HB 2014</b> – Certified Microgrid Program (page 11) <b>HB 2451</b> – To facilitate the creation of home-based businesses (page 15) <b>HB 3263</b> – Relating to providing notification of utility service disruption to its' customers (page 17) <b>HB 3503</b> – Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution control Act (page 18) <b>HB 3517</b> – Relating generally to fiscal emergencies of local governments (page 18)

