

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 3432

BY DELEGATE HANSHAW (MR. SPEAKER)

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

1 AN ACT to amend and reenact §2-2-10 and §2-2-12 of the Code of West Virginia, 1931, as
2 amended; and to amend and reenact §4-1-13 of said code, all relating to statutory
3 construction generally; defining terms; clarifying that where two bills affecting the same
4 section of code pass the Legislature in the same session, the later passed version
5 controls; and clarifying the authority of the legislative clerks.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 2. COMMON LAW, STATUTES, LEGAL HOLIDAYS,
DEFINITIONS AND LEGAL CAPACITY.**

**ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF
STATUTES; DEFINITIONS.**

§2-2-10. Rules for construction of statutes.

1 (a) The following terms are defined for this code:

2 (1) "Convict" means a person confined in a penitentiary or correctional facility of this or
3 any other state, or of the United States;

4 (2) "County court" includes any existing tribunal created in lieu of a county commission;
5 the words "commissioner of the county court" and "county commissioner" mean, and have
6 reference to, the commissioners, or one of them, composing a county commission in pursuance
7 of section nine, article IX of the Constitution, as amended, or any existing tribunal created in lieu
8 of a county commission;

9 (3) "The Governor" is equivalent to "the executive of the state" or "the person having the
10 executive power";

11 (4) "Judgment" includes decrees and orders for the payment of money, or the conveyance
12 or delivery of land or personal property, or some interest therein, or any undertaking, bond or
13 recognizance which has the legal effect of a judgment;

14 (5) "Land" or "lands" and the words "real estate" or "real property" include lands,
15 tenements and hereditaments, all rights thereto and interests therein, except chattel interests;

16 (6) "Laws of the state" includes the Constitution of the State of West Virginia and the
17 Constitution of the United States, and treaties and laws made in pursuance thereof;

18 (7) "Minor" mean persons under the age of 18 years;

19 (8) "Offense" includes every act or omission for which a fine, forfeiture, or punishment is
20 imposed by law;

21 (9) "Person" or "whoever" includes corporations, societies, associations and partnerships,
22 and other similar legal business organizations;

23 (10) "Personal estate" or "personal property" includes goods, chattels, real and personal,
24 money, credits, investments, and the evidences thereof;

25 (11) "Property" or "estate" embraces both real and personal estate;

26 (12) "Railroad" and "railway" mean the same thing in law; and, in any proceeding in which
27 a railroad company or a railway company is a party, it is not an error to call a railroad company a
28 railway company or vice versa; nor may any demurrer, plea or any other defense be set up to a
29 motion, pleading, or indictment in consequence of the misdescription;

30 (13) "State", when applied to a part of the United States and not restricted by the context,
31 includes the District of Columbia and the several territories, and the words "United States" also
32 include the said district and territories;

33 (14) "Town" includes a city, village or town, and the word "council", any body or board,
34 whether composed of one or more branches, which is authorized to make ordinances for the
35 government of a city, town, or village;

36 (15) "Written" or "in writing" includes any representation of words, letters, or figures,
37 whether by printing, engraving, writing, or otherwise. But when the signature of any person is
38 required, it must be in his or her own proper handwriting, or his or her mark, attested, proved, or

39 acknowledged. Unless a provision of this code specifically provides otherwise, an electronic
40 signature satisfies this signature requirement if the electronic signature meets the requirements
41 of §39A-1-2 of this code;

42 (b) The following rules shall be observed in the construction of statutes unless a different
43 intent on the part of the Legislature is expressed:

44 (1) A word importing the singular number only may be applied to several persons or things,
45 as well as to one person or thing; a word importing the plural number only may be applied to one
46 person or thing as well as to several; and a word importing the masculine gender only may be
47 applied to females as well as males;

48 (2) Words purporting to give joint authority to three or more persons confers authority
49 upon a majority of them, and not upon any less number;

50 (3) The sectional headings or headlines of the several sections of this code printed in
51 black-faced type are intended as mere catchwords to indicate the contents of the section and are
52 not titles of the sections, or any part of the statute, and, unless expressly so provided, they are
53 not part of the statute when the sections, including the headlines, are amended or reenacted;

54 (4) When a council of a town, city, or village, or any board, number of persons, or
55 corporations, are authorized to make ordinances, bylaws, rules, regulations, or orders, the same
56 must be consistent with the laws of this state;

57 (5) An officer has qualified when he or she has done all that is required by law to be done
58 before proceeding to exercise the authority and discharge the duties of his or her office;

59 (6) A statute is presumed to be prospective in its operation unless expressly made
60 retrospective;

61 (7) Unless there is a provision in a section, article, or chapter of this code specifying that
62 its provisions are not severable, the provisions of every section, article, or chapter of this code,
63 whether enacted before or subsequent to the effective date of this subdivision, are severable so

64 that if any provision of any section, article, or chapter is held to be unconstitutional or void, the
65 remaining provisions of the section, article, or chapter remain valid, unless the court finds the valid
66 provisions are so essentially and inseparably connected with, and so dependent upon, the
67 unconstitutional or void provision that the court cannot presume the Legislature would have
68 enacted the remaining valid provisions without the unconstitutional or void one, or unless the court
69 finds the remaining valid provisions, standing alone, are incomplete and are incapable of being
70 executed in accordance with the legislative intent. The provisions of this subdivision are fully
71 applicable to all future amendments or additions to this code, with like effect as if the provisions
72 of this subdivision were set forth in extenso in every amendment or addition and were reenacted
73 as a part thereof;

74 (8) A reference to any section, article, or chapter of this code applies to all reenactments,
75 revisions, or amendments thereof;

76 (9) If a statute refers to a series of numbers or letters, the first and the last numbers or
77 letters in the series are considered to be included;

78 (10) No legislative enactment of a regulatory, noncriminal nature may be construed to
79 prohibit a lawful business or business structure in existence and operating in this state prior to the
80 effective date of the enactment of legislation prohibiting the operation of such business or
81 business structure absent an express legislative declaration in the enactment that the existing
82 business or business structure is prohibited from continuing after the effective date of the
83 enactment.

84 (11) Statutes are construed to avoid absurd results;

85 (12) Statutes are to be read as a whole, in context, and, if possible, the court is to give
86 effect to every word of the statute; and

87 (13) When two or more bills amending the same statute are passed during the same
88 session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall
89 control.

**§2-2-12. Headlines, etc., not part of act; notes, etc., attached to bills not to be construed as
expressing legislative intent.**

1 Chapter, article, or section headings, headlines or headnotes of any act of the Legislature,
2 whether in the act at the time of passage or inserted by the Clerk of the House of Delegates in
3 editing, compiling and publishing the acts of the Legislature, are mere catchwords and shall not
4 be deemed or construed to be titles of such chapters, articles, or sections, or as any part thereof,
5 or as indicating or expressing legislative intent or purpose.

6 Abstracts of bills or of changes proposed in existing statutes, explanatory notes, and
7 declarations of purpose accompanying bills at the time of introduction in the Legislature or
8 appended or attached thereto after introduction, and included with copies of such bills printed or
9 otherwise reproduced by the Legislature or either house thereof, are not to be a part of such bills
10 or of reports of committees thereon, and shall not be construed or interpreted as indicating or
11 expressing legislative intent.

CHAPTER 4. THE LEGISLATURE.

**ARTICLE 1. OFFICERS, MEMBERS, AND EMPLOYEES; APPROPRIATIONS;
INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF CAPITOL BUILDING;
PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM
MEETINGS; NEXT MEETING OF THE SENATE.**

**§4-1-13. Clerk of house to be keeper of rolls; compensation; duties as to acts; copies; fees;
printing.**

1 (a) The Clerk of the House of Delegates shall be the keeper of the rolls, and for his or her
2 duties as such, the clerk shall receive \$300 in addition to his salary as clerk. After a bill or joint

3 resolution has passed both houses, the clerk shall cause the same to be correctly recorded, in a
4 legible manner, in a well-bound book, to be kept for that purpose exclusively, which recording
5 shall be equivalent to enrollment. The clerk shall have custody of the acts and joint resolutions of
6 the Legislature and shall make a certified copy of them for any person requiring the same. For a
7 copy of an act or joint resolution, the clerk may demand of the person at whose request it was
8 made, 50 cents, or, at the clerk's option, 3 cents for every 30 words contained therein. As soon
9 as possible after the close of each session, the clerk shall prepare a well-arranged index to the
10 acts and joint resolutions passed at such session, and shall furnish to the printer who has the
11 contract for such printing the manuscript of such acts, resolutions, and index and all matter
12 directed by law to be printed therewith, properly prepared and arranged for publication, and shall
13 superintend the printing thereof.

14 (b) When two or more bills amending the same statute are passed during the same
15 session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall
16 control.

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

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor