

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A PROCLAMATION

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 11:00 AM on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: Legislation relating to and implementing the decennial redistricting of the House of Delegates and State Senate of the Legislative Department.

SECOND: Legislation relating to and implementing the decennial apportionment of representatives of the United States House of Representatives.

THIRD: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$16,400,000, for the fiscal year ending June 30, 2022.

FOURTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$7,832,540, for the fiscal year ending June 30, 2022.

FIFTH: To expire funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$2,000,000 from the

Attorney General, Consumer Protection Recovery Fund, Fund 1509, Fiscal Year 2022, Organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

SIXTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,098,839, for the fiscal year ending June 30, 2022.

SEVENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$765,400, for the fiscal year ending June 30, 2022.

EIGHTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$267,969, for the fiscal year ending June 30, 2022.

NINTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$100,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$11,000,000, for the fiscal year ending June 30, 2022.

TENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health, fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$1,400,000, the appropriation for Current Expenses, appropriation 13000, in the amount of \$33,556,737, and the appropriation for Federal Coronavirus Pandemic, Appropriation 89101, in the amount of \$14,998,450 for the fiscal year ending June 30, 2022.

ELEVENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; by supplementing and amending the appropriation for Medical Services, appropriation 18900, in the amount of \$83,509,092, and for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$340,984,855 for the fiscal year ending June 30, 2022.

TWELFTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$218,330, for the fiscal year ending June 30, 2022.

THIRTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$710,176, for the fiscal year ending June 30, 2022.

FOURTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Library Commission, fund 8720,

fiscal year 2022, organization 0433, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$2,388,880, for the fiscal year ending June 30, 2022.

FIFTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,816,040, the fiscal year ending June 30, 2022.

SIXTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,508,024, for the fiscal year ending June 30, 2022.

SEVENTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; by supplementing, amending and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,960,588, for the fiscal year ending June 30, 2022.

EIGHTEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for Current Expenses, appropriation 13000, in the amount of \$22,900, and adding an appropriation for the WV Women's Suffragist Memorial, appropriation XXXXX, in the amount of \$50,000, the fiscal year ending June 30, 2022.

NINETEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriation for Global Economic Development Partnerships, appropriation XXXXX, in the amount of \$150,000, for the fiscal year ending June 30, 2022.

TWENTIETH: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, for Directed Transfer, appropriation 70000, in the amount of \$250,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FIRST: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for Civil Contingent Fund – Surplus (R), appropriation 23800, in the amount of \$2,000,000, the fiscal year ending June 30, 2022.

TWENTY-SECOND: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, for Directed Transfer, appropriation 70000, in the amount of \$500,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-THIRD: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2022,

organization 0806, Directed Transfer, appropriation 70000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FOURTH: To make supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriation for Personal Services, appropriation 00100, in the amount of \$200,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$50,000, for the fiscal year ending June 30, 2022.

TWENTY-FIFTH: To make supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, for the appropriation of Current Expenses, appropriation 13000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-SIXTH: To supplement and amend chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, by supplementing and amending appropriations in Title II, section 12 for the fiscal year ending June 30, 2022, by transferring \$2,500,000 from Directed Transfer (fund 1509, appropriation 7000), to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185).

TWENTY-SEVENTH: To amend and reenact § 61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; to require half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and to exclude honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee.

TWENTY-EIGHTH: To amend and reenact § 16-48-3, § 16-48-4, and § 16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; to define terms; to authorize the State Treasurer to promulgate emergency rules; to permit a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and to clarify that the State Treasurer may require an application to open an ABLE account.

TWENTY-NINTH: To amend and reenact § 11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; to exempt from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; to provide for an effective date; and to provide conditions of exemption.

THIRTIETH: To repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-32-1, §29-32-2, §29-32-5 of said code, all relating to establishing a Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; to establish the Medal of Valor and criteria for awarding it; to establish the First Responders Honor Board within the Department of Homeland Security; to define persons whom the board may recommend to receive the Medal of Valor; to establish criteria for board membership; to set the term of board membership; to require the board to meet at least annually and provide notice thereof; to provide for the election of a board chair and define a quorum; and to mandate nominations for the Medal of Valor be submitted by the first day of the next regular session of the Legislature.

THIRTY-FIRST: To amend and reenact § 16-2-11 and § 16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of local county commissions, appointing entities, or county boards of education as to rules of local health boards; to provide, by amending § 16-2-11(b)(3)(D), that any rule adopted or established by a local health board or local health officer on which no action is taken by a county commission or appointing entity to approve, disapprove, or amend the local rule within 30 days after the rule is effective, is void and to provide that, with respect to a local rule which solely applies to and affects public, private, or parochial schools or state-regulated childcare centers, such local rule shall be approved, disapproved, or amended by the county board of education, instead of the county commission or appointing entity, within 30 days of approval of the local rule from the local board of health; to provide, by amending

§ 16-2-11(b)(3)(H), that if there is an imminent public health emergency, approval of the county commission, appointing entity, or county board of education is not necessary before the local rule goes into effect but that such local rule shall be approved or disapproved by the county commission, appointing entity, or county board of education within 30 days after the rule is effective, and any local rule on which the county commission, appointing authority, or county board of education has taken no action within 30 days shall be void; to provide, by amending § 16-2-11(b)(3) by adding thereto a new subparagraph designated (I), that for purposes of § 16-2-11, a “rule” or “rules” subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education shall mean and include any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void which is not approved by the county commission, appointing entity, or county board of education, as applicable, within thirty days following the effective date of the reenactment of § 16-2-11 during the third extraordinary session of the Legislature in 2021; and to provide, by amending § 16-2-13, by adding thereto a new subsection designated (c), that any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any such order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 of the West Virginia Code during the regular session of the Legislature, 2021, shall be subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education pursuant to § 16-2-11 of this code within thirty days following the effective date of the reenactment of this section in the third extraordinary session of the Legislature in 2021.

THIRTY-SECOND: To amend and reenact § 6-7-2A of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission.

THIRTY-THIRD: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated § 51-1-23, relating to creating a special revenue fund designated the Court Facilities Maintenance Fund to be administered by the West Virginia Supreme Court of Appeals; the fund to consist of moneys received from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia; all moneys deposited into the State Treasury and credited to the Court Facilities Maintenance Fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia; and all moneys collected by the administrator of the Supreme Court of Appeals from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia to be deposited into the Court Facilities Maintenance Fund, expenditures from the fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia and such expenditures not to be authorized from collections but to be made only in accordance with appropriation by the Legislature in accordance with article three, chapter twelve of the West Virginia Code and upon fulfillment of the requirements of article two, chapter eleven-b of the West Virginia Code.

THIRTY-FOURTH: To amend and reenact § 23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact § 51-2A-24 of said code; to amend and reenact § 51-11-3, § 51-11-4, § 51-11-6, and § 51-11-8 of said code; and to amend and reenact § 58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers' compensation claims; to provide that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; to provide for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; to remove language establishing the Intermediate Court of Appeals as a court of record; to modify the prohibition on sitting Intermediate Court of Appeals Judges retaining their seat upon becoming a candidate or pre-candidate for any elected public office to prohibit sitting Intermediate Court of Appeals Judges only from retaining their seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; to authorize the Intermediate Court of Appeals to be located in a fixed or virtual location in facilities provided by the Administrative Director of the Supreme Court; to provide an exception to appellate jurisdiction of the Intermediate Court of Appeals with

respect to final judgments or final orders issued by family courts in domestic violence proceedings; to exclude from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; to authorize individuals appointed to serve as judges of the Intermediate Court of Appeals to take the oath and commence duties on or before July 1, 2022; to authorize contractual arrangements for use of facilities by the Intermediate Court of Appeals to include physical or virtual spaces; and to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and to make other technical corrections.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighth day of October, in the Year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.


GOVERNOR



By the Governor


SECRETARY OF STATE