

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 12:00 PM on Monday, April 25, 2022, 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: To repeal §31-15-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-6C-11 of said code by striking the entirety of subsection (a) and inserting therein a new subsection (g) to provide that, notwithstanding any other provision of the code to the contrary, the West Virginia Economic Development Authority shall pay to the West Virginia Board of Treasury Investments the entire outstanding balance of the revolving loan authorized by this section within 30 days of the deposit of sufficient funds for such repayment in the Economic Development Project Fund created in §31-15-23a of this code, and that, upon repayment of the outstanding loan balance, the revolving loan authorized by this section shall terminate and no additional loan moneys shall be made available to the West Virginia Economic Development Authority pursuant to this section; to amend said code by adding thereto a new section, designated §12-6C-11b, to provide that (a) the West Virginia Board of Treasury Investments shall make available to the Department of Transportation, subject to a liquidity determination, a revolving loan of up to \$200 million from the Consolidated Fund for the purposes authorized by this section, and that the loan moneys requested and authorized pursuant to subsection (b) of this section shall be deposited in a special revenue fund, to be known as the Infrastructure Investment Reimbursement Fund, that (b) the Board of Treasury Investments shall make the loan moneys authorized by this section available upon receipt of the following: (1) a written request by the Secretary of the Department of Transportation that the board deposit a specific amount of loan moneys, subject to the limitations provided in this section, into the Infrastructure Investment Reimbursement Fund, (2) a written statement by the Secretary of the Department of Transportation

certifying that the department will use the loan moneys for expenditures meeting the requirements of subsection (c) of this section, and (3) copies of any available documents demonstrating that the planned expenditures of loan moneys meet the requirements of subsection (c) of this section, including but not limited to any agreement or contract entered into by the Department of Transportation and the federal government, that (c) the Secretary of the Department of Transportation may authorize expenditures from the Infrastructure Investment Reimbursement Fund that qualify for cost reimbursement according to an agreement with the federal government pursuant to the Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 443 (2021), that (d) upon receiving moneys from the federal government to reimburse for expenditures as authorized by subsection (c) of this section from the Infrastructure Investment Reimbursement Fund, the Secretary of the Department of Transportation shall immediately reimburse the Infrastructure Investment Reimbursement Fund from said reimbursed moneys from the federal government, that (e) any balance remaining in the fund at the end of each fiscal year shall be transferred to the Consolidated Fund, and if, at any time during a fiscal year, the secretary determines that the balance in the fund exceeds the amount required for expenditures authorized in subsection (c) of this section, the secretary shall provide notice of said determination to the Board of Treasury Investments and the excess balance of the fund shall be transferred to the Consolidated Fund, that (f) the secretary shall prepare and submit a quarterly report to the Joint Committee on Government and Finance, the Board of Treasury Investments, and the Governor which shall include, at a minimum: (1) the aggregate outstanding amount of the loan authorized by this section and (2) for each project for which loan moneys were expended, the status of the project, the estimated completion date of the project, the amount of loan moneys expended for the project, the amount of federal reimbursement moneys received for the project, and the remaining amount of federal reimbursement moneys projected to be received for the project, that (g) upon request of the Board of Treasury Investments, the secretary shall provide the board with the opportunity to inspect and copy any records in the custody of the Department related to any transaction involving the Infrastructure Investment Reimbursement Fund, and records to be made available pursuant to this subsection include, but are not limited to, accounting records, contracts or agreements, audit reports, and transaction records, and that (h) the provisions of this section shall cease to have effect after June 30, 2027, unless reauthorized by the West Virginia Legislature, and the Secretary of the Department of Transportation must reimburse the Infrastructure

Investment Reimbursement Fund 100% of the amount of any expenditures from the Infrastructure Investment Reimbursement Fund by such date; and to amend said code by adding thereto a new section, designated §31-15-23a, to provide that (a) for the purposes of this section, the term “high impact development project” means a project meeting the following criteria, according to a resolution adopted by the authority: (1) the Governor has requested, in writing, that the project be approved for financing by the authority in an amount of \$50 million or greater, (2) the industrial development agency or enterprise undertaking the project will privately invest an amount of \$50 million or greater in the project, and (3) the project meets or exceeds the loan per job ratio criteria for high-impact development projects that may be established, in consultation with the Secretary of the Department of Economic Development, by the board of directors, that (b) there is hereby created a special revenue fund in the State Treasury known as the Economic Development Project Fund, and the fund shall consist of all moneys appropriated to the authority during the regular session of the Legislature, 2022, from available revenue surplus funds, transfers from the Industrial Development Loans fund, gifts, grants, contributions, any earnings or interest accruing to said fund, and any other moneys appropriated to said fund by the Legislature, and the authority may invest and reinvest moneys in the fund with the West Virginia Investment Management Board or the Board of Treasury Investments, that (c) the authority may transfer funds in the Industrial Development Loans fund to the Economic Development Project Fund created by this section and any loan repayments or other amounts that would otherwise have been paid into the Industrial Development Loans fund may be paid into the Economic Development Project Fund created by this section, that (d) in addition to any powers granted to the authority under any other section of this code, the authority may finance any high impact development project under this section by offering incentives for business formation or expansion to industrial development agencies or enterprises in this state in the form of loans, grants, or other offers of financial assistance or aid upon such terms as the Governor may request and the authority shall deem appropriate, that (e) the authority may use moneys in the Economic Development Project Fund to offer incentives for business formation or expansion and provide assistance with site development or other concerns to industrial development agencies or enterprises according to the requirements of this article, provided, that a minimum of \$200 million in the fund may only be used to finance high impact development projects, that (f) the authority shall keep itemized records of all fund transactions and agreements entered into in furtherance of Economic Development Project Fund expenditures, and

in administering the fund, the authority shall adopt appropriate accounting practices and internal controls, including but not limited to, strict compliance with the requirements of §5A-8-9 of this code, and fund transactions shall be subject to an annual audit by an independent firm of certified public accountants, that (g) the authority shall prepare and submit to the Joint Committee on Government and Finance and the Governor an annual report addressing the status of each project with outstanding financing issued pursuant to this section, and the report shall, at a minimum, provide project-specific data addressing: (1) the outstanding amount of authority financing for each project, (2) the total amount of private investment in each project, (3) the number of jobs created by each project since the project's inception, and (4) the number of jobs maintained by each project, and that (h) except for the records and audit required under subsection (f) of this section and the annual reports required under subsection (g) of this section, any documentary material, data, or other writing made or received by the authority relating to high impact development projects under this section, shall be exempt from §29B-1-1 *et seq.* of this code: provided, that any agreement or resolution entered into or signed by the authority which obligates public funds for any high-impact development project shall be subject to inspection and copying pursuant to §29B-1-1 *et seq.* of this code as of the date the agreement or resolution is entered into, signed, or otherwise made public.

SECOND: To amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, as contained in Chapter 149, Acts of the Legislature, Regular Session, 2022, and to amend and reenact §18B-1-2 of said code, relating to reclassifying Bluefield State College as a statutorily exempt school.

THIRD: To amend and reenact §5-10-14 and §5-10-30 of the Code of West Virginia, 1931, as amended, all relating to service credit, retroactive provisions, and the refund of accumulated contributions for certain members of the West Virginia Public Employees Retirement System.

FOURTH: To amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 256, Acts of the Legislature, Regular Session, 2022, and to amend and reenact §5-10-24 of said code, all relating to the Public Employees Retirement System to designate an irrevocable special needs trust as beneficiary; defining terms; and providing for

substitution of irrevocable special needs trust as beneficiary post retirement in certain circumstances.

FIFTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-10-23, relating to authorizing the Commissioner of Workforce West Virginia to create an Unemployment Compensation Insurance Fraud Unit; establishing training and experience requirements; specifying duties; granting certain authorities necessary to conduct investigations into alleged unemployment insurance fraud; authorizing certain personnel to operate a state vehicle and carry a firearm; establishing training requirements for carrying a firearm; and exempting the Unemployment Compensation Fraud Unit from the requirements of the Freedom of Information Act and the Open Government Proceedings Act, and creating certain immunities for acts of an investigator employed by the unit.

SIXTH: To amend and reenact §5-6-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11-5 of said code; to amend and reenact §5A-8-15 of said code; to amend and reenact §5B-2I-7 of said code; to amend and reenact §6C-3-1 of said code; to amend and reenact §11-13J-4a of said code; to amend and reenact §16-4C-5 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-16A-3 of said code; to amend and reenact §17-16C-4 of said code; to amend and reenact §18-2-1 of said code; to amend and reenact §18-11-1 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §29-21-3b of said code; to amend §29-22-4 of said code; to amend and reenact §30-38-6 of said code; and to amend and reenact §30-42-4 of said code, all relating to qualifications for members of boards, commissions, and other entities; reducing number of members of board of directors of nonprofit corporation operating and maintaining Clay Center for the Arts; revising qualifications for members of Human Rights Commission; establishing qualifications for members of Records Management and Preservation Board; revising qualifications for membership on Tourism Advisory Council; updating number of members of Public Employees Grievance Board who may be appointed from each congressional district; revising number of members of Neighborhood Investment Program Advisory Board from each congressional district; revising number of members of Emergency Medical Services Advisory Council appointed from any one congressional district; revising membership of Complete Streets Advisory Board; establishing number of appointed members of Parkways Authority and

recognizing reduction in number of congressional districts; establishing qualifications for appointed members of Public Transit Advisory Council; revising qualifications for appointment to West Virginia Board of Education; revising requirements for appointed members of Board of Governors; altering composition of Higher Education Policy Commission; making technical changes to qualifications for appointment to Solid Waste Management Board; modifying membership of Indigent Defense Commission; providing for qualifications for appointment to State Lottery Commission; revising qualifications for appointment to Real Estate Appraiser Licensing and Certification Board; and revising qualifications for appointment to Contractor Licensing Board.

SEVENTH: To amend and reenact §30-40-4 of the Code of West Virginia, 1931, as amended, relating to West Virginia Real Estate License Act; amending definitions; permitting a salesperson to designate an entity to receive compensation.

EIGHTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports for two years.

NINTH: To amend and reenact §18-2-7f of the Code of West Virginia, 1931, as amended, relating to establishing alternative educational opportunities for elective course credit; requiring the state board to establish, develop, and maintain a program whereby students can earn elective course credit for extended learning opportunities that take place outside of the traditional classroom setting; specifying minimum entities eligible to provide extended learning opportunity programs; requiring individuals or entities seeking certification as an eligible extended learning opportunity program to successfully complete an application process; imposing requirements on extended learning opportunity providers pertaining to compliance with applicable federal and state health and safety laws and regulations, compliance with standards and safeguards provided by the West Virginia Board of Education, background checks for key personnel or instructional staff, and proof of insurance; addressing the denial of a program application; providing for monitoring,

evaluation, and inspection of approved programs; allowing extension of approval or disqualification for violation of state law or state board policies; allowing appeal of disqualification; requiring the county boards of education to adopt an alternative educational opportunities policy that facilitates implementation and participation; requiring parental or legal guardian approval for participation of student under 18; allowing students transferring schools to request acceptance of elective course credits awarded for program completion; addressing transportation to and from an approved program; allowing auditing of approved programs at any time and disqualification for not meeting certain provisions; and requiring report to the Legislative Oversight Commission on Education Accountability with respect to the implementation of extended learning opportunity programs.

TENTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k relating to permitting the use of air rifles when hunting; permitting a person use an air rifle to hunt when properly authorized to hunt under an existing stamp; setting forth criteria for when an air rifle may be used to hunt game in this state; setting caliber limits for air rifles when hunting certain types of game; and providing limitations on air rifle use.

ELEVENTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §17C-25-1, §17C-25-2, §17C-25-3, §17C-25-4, §17C-25-5, §17C-25-6, §17C-25-7, §17C-25-8, §17C-25-9, §17C-25-10, and §17C-25-11, all relating to flying under the influence and other aviation offenses; prohibiting operation of aircraft while under the influence of alcohol, controlled substances, or drugs; defining terms; providing a person operating an aircraft while under the influence is guilty of a misdemeanor and establishing criminal penalties therefor; providing that injury of another person while operating an aircraft while under the influence is a felony and establishing criminal penalties therefor; providing a person who knowingly allows another person to operate his or her aircraft while under the influence is guilty of a misdemeanor and establishing criminal penalties therefor; providing increased criminal penalties for subsequent offenses; providing for inclusion of previous offenses when determining number of offenses; proving that it is not a defense that the person was legally allowed to use alcohol, controlled substances, or drugs; requiring clerk of court to notify federal aviation administration of a conviction; providing for implied consent to testing; providing for preliminary analysis of breath

to determine its alcohol concentration; providing for secondary testing and interpretation of such tests; providing person may demand additional testing; providing standards for blood withdrawal; allowing test results to be used in civil and criminal proceedings; allowing person to demand testing within two hours of arrest; providing for fee for withdrawing a blood sample or administering a urine test; providing that the unauthorized taking of an aircraft is a felony and establishing criminal penalties therefor; requiring federal licensure to operate an aircraft and that evidence of licensure be in the person's personal possession and in the aircraft; providing criminal penalties; and requiring state law enforcement officers to collaborate in enforcing aeronautics laws.

TWELFTH: To amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, as contained in Chapter 256, Acts of the Legislature, Regular Session, 2022, relating to including family court judges in the Judges' Retirement System.

THIRTEENTH: To amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating to providing for no more than two licensed laboratories for medical cannabis testing in this state; providing that this limitation shall terminate on January 1, 2025; prohibiting conspiracy by the two certified laboratories to fix prices; and providing that the two laboratories at all times must adhere to the laws, regulations, policies, and guidance regulating medical cannabis programs in the State of West Virginia.

FOURTEENTH: To amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-15a of said code, all relating to prescriptive authority; eliminating certain legislative rulemaking authority concerning the prescriptive authority of a physician assistant; providing for prescriptive authority of physician assistants; eliminating certain discretionary authority of the Board of Nursing; eliminating certain legislative rulemaking authority of the Board of Nursing with respect to prescriptive authority of an advanced practice registered nurse; eliminating certain emergency rulemaking authority of the Board of Nursing; eliminating requirements regarding list of advanced practice registered nurses with prescriptive authority; and providing for prescriptive authority of advanced practice registered nurses.

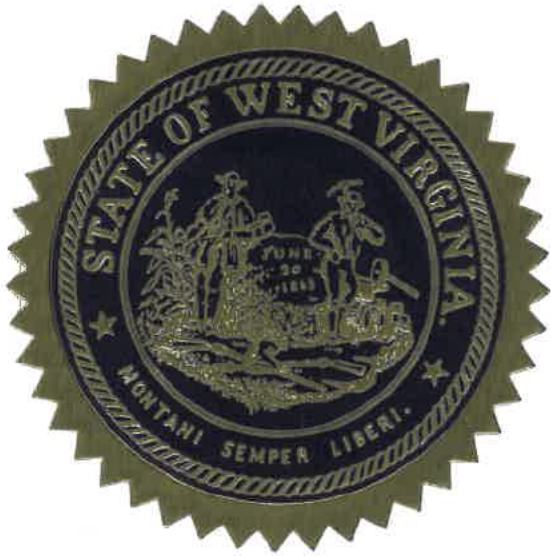
FIFTEENTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1J-6; to amend and reenact §18-19-2 of said code; and to amend and reenact §36-8-13 of said code, as contained in Chapter 282, Acts of the Legislature, Regular Session, 2022, all relating generally to state military and service member programs;

creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund; establishing the fund; providing that the Adjutant General shall administer the fund; authorizing the Adjutant General to invest moneys in the fund; setting forth the permissible contents of the fund; authorizing the Adjutant General to make certain expenditures from the fund; requiring the Adjutant General to reimburse the fund after receiving federal reimbursement moneys; providing that moneys in the fund will revert to the Unclaimed Property Fund at the end of each fiscal year; expanding eligibility of an active-duty service member's child or spouse for certain benefits; and authorizing transfers up to a certain amount from the Unclaimed Property Trust Fund to the Military Authority Reimbursable Expenditure Fund.

SIXTEENTH: To amend and reenact §8-22A-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 256, Acts of the Legislature, Regular Session, 2022, relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; and increasing the multiplier for use in determining accrued benefit.

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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 Twenty-Second day of April, in the Year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Fifty-Ninth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE