

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 4:00 PM on Sunday, August 6, 2023, 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 amend § 11B-2-20 of the Code of West Virginia, 1931, as amended, relating to combining the totals of the Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund - Part B when determining surplus deposit eligibility and limiting the amount of surplus deposited into the Revenue Shortfall Reserve Fund when deposits reach a certain ratio.

SECOND: 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, by adding a new item of appropriation and increasing the expenditure of public moneys to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2024, organization 0701, in the amount of \$12,462,568, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRD: 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 Department of Homeland Security, Division of Corrections and Rehabilitation - West Virginia Parole Board, fund 0440, fiscal year 2024, organization 0608, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2024, organization 0608, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2024, organization 0608, and to the Department of Homeland Security, Division of Corrections and

Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2024, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FOURTH: To make a supplementary appropriation of public moneys out of the Treasury from the balances of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Parolee Supervision Fees, fund 6362, fiscal year 2024, organization 0608, and to the Department of Homeland Security, Division of Corrections and Rehabilitation –Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2024, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FIFTH: 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 Department of Administration, Public Employees Insurance Agency, fund 0200, fiscal year 2024, organization 0225, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2024, organization 0608 and to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2024, organization 0608 by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

SIXTH: To amend § 17B-2-1c of the Code of West Virginia, 1931, as amended, relating to temporary identification cards for released inmates, to clarify that the temporary identification cards are to be issued at no cost to the inmate, and to extend the period of validity of the temporary identification cards.

SEVENTH: To amend § 15A-3-16 of the Code of West Virginia, 1931, as amended, relating to regional jail per diem fees, to require certain municipalities to reimburse responsible county for up to five days of regional jail per diem fees when municipality incarcerates individuals for offenses that could have been prosecuted in municipal court but were prosecuted in magistrate court, and to make technical corrections.

EIGHTH: To amend §§ 62-1C-1a and 62-1C-2 of the Code of West Virginia, 1931, relating to pretrial release, to clarify the right to pretrial release, to clarify the maximum bail amount for charges for multiple misdemeanor offenses, to require prosecuting attorneys to report

on persons held in custody for certain period, to request reports from Supreme Court of Appeals, to revise the definition of “bail,” to establish that a defendant has the right to select method of securing bail, to clarify that personal recognizance bonds shall include an unsecured monetary amount, to authorize judicial officers to impose reasonably necessary conditions to assure a defendant will appear as required, including releasing defendant on his or her own recognizance, and to make technical corrections.

NINTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated § 15A-4-13a, relating to inmate medical care, to prohibit the use of state funds for certain procedures or benefits that are not medically necessary for persons in the custody of the commissioner, to authorize the commissioner to establish rules, policies, or regulations relating to certain levels of care, and to define terms.

TENTH: To amend §§ 62-12-28 and 62-12-29 of the Code of West Virginia, 1931, as amended, relating to pretrial release programs, to authorize the Supreme Court of Appeals to develop pretrial release programs in all circuits, to request the Court to develop an electronic pretrial court date reminder system, and to require the community supervision committee of the administrative office of the Court to make a recommendation for the development of an electronic pretrial court date reminder system.

ELEVENTH: To amend § 15A-3-4 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation, to authorize the commissioner to require certain agreements with employees for reimbursement of training costs under certain conditions, to clarify that the transportation of inmates for court appearances is subject to the rules of the Supreme Court of Appeals, and to authorize the commissioner to cooperate with the Supreme Court of Appeals in developing a comprehensive transportation plan.

TWELFTH: To amend and reenact §§ 48-13-301, 48-13-403, 48-13-404, and 48-13-502 of the Code of West Virginia, 1931, as amended, to correct errors in the table of monthly basic child support obligations, to correct citations, and to correct worksheets for calculating basic child support obligation in line with provisions of the West Virginia Code.

THIRTEENTH: To repeal, amend, and create sections of West Virginia Code, 1931, as amended, relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission, transferring authority and responsibility for sources of radiation from other state agencies to the Department of Environmental Protection, and establishing a comprehensive regulatory system for the control of sources of radiation for the protection of the public and the environment, and other matters relating thereto.

FOURTEENTH: To supplement and amend appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation to the Department of Administration, Public Employees Insurance Agency, fund 0200, fiscal year 2024, organization 0225, in the amount of \$71,373,750, by supplementing and amending appropriations for the fiscal year ending June 30, 2024.

FIFTEENTH: 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 Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2024, organization 0402, in the amount of \$55,847,110, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

SIXTEENTH: To supplement and amend Chapter 11, Acts of the Legislature, Regular Session, 2023, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing and decreasing items of appropriation.

SEVENTEENTH: 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 Higher Education Policy Commission, Marshall University, General Administration Fund, fund 0348, fiscal year 2024, organization 0471, in the amount of \$45,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

EIGHTEENTH: 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 Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2024, organization 0402, in the amount of \$1,800,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

NINETEENTH: 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 West Virginia State Senate, fund 0165, fiscal year 2024, organization 2100, to the West Virginia House of Delegates fund 0170, fiscal year 2024, organization 2200, and to Joint Expenses, fund 0175, fiscal year 2024, organization 2300 by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

TWENTIETH: To amend § 7-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Mercer County Commission to levy a special district excise tax, to authorize the special district excise tax for the benefit of The Ridges Economic Opportunity Development District and to set forth the land area within the special district subject to the special district excise tax.

TWENTY-FIRST: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated § 7-5B-1 and § 7-5B-2, and to amend § 33-3-33 of said Code, all relating to funding certain first responders, to create special revenue funds administered by the Secretary of Homeland Security, to grant rulemaking authority, to define terms, to require the State Fire Marshal to provide certain information to the State Treasurer, and to require that volunteer fire departments eligible to receive funds implement the State Auditor's West Virginia Checkbook fiscal reporting system.

TWENTY-SECOND: 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 Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2024, organization 0606, in the total amount of \$12,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

TWENTY-THIRD: To make a supplementary appropriation of public moneys out of the Treasury from the balances of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, Division of Emergency Management, Growth County Fire Protection Fund, fund xxxx, fiscal year 2024, organization 0606, in the amount of \$3,000,000, and to the Department of Homeland Security, Division of Emergency Management, County Fire Protection Fund, fund xxxx, fiscal year 2024, organization 0606, in the amount of \$3,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

TWENTY-FOURTH: To amend § 20-1-19 of the Code of West Virginia, 1931, as amended, to officially designate Summersville Lake as a state park.

TWENTY-FIFTH: To amend § 11-13MM-10 of the Code of West Virginia, 1931, as amended, to clarify that certain payments paid prior to the effective date of the tax credits for property taxes paid on certain species of property are eligible for the tax credits created in House Bill 2526 during the 2023 Regular Session.

TWENTY-SIXTH: 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 Department of Transportation – Division of Highways, fund 0620, fiscal year 2024, organization 0803, in the amount of \$150,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

TWENTY-SEVENTH: To supplement, amend, and increase existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2024, organization 0803, in the total amount of \$150,000,000, for the fiscal year ending June 30, 2024.

TWENTY-EIGHTH: 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 Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, in the total amount of \$210,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

TWENTY-NINTH: To supplement and amend Chapter 11, Acts of the Legislature, Regular Session, 2023, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2024, organization 0307, in the amount of \$25,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTIETH: 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 Department of Administration, Office of Technology, fund 0204, fiscal year 2024, organization 0231, in the amount of \$2,000,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2023, known as the Budget Bill for the fiscal year ending June 30, 2024.

THIRTY-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 Department of Administration – Division of General Services, fund 0230, fiscal year 2024, organization 0211, in the amount of \$175,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-SECOND: 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 Department of Commerce – Division of Forestry, fund 0250, fiscal year 2024, organization 0305, in the amount of \$4,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-THIRD: To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Commerce, Geological and Economic Survey, fund 8704, fiscal year 2024, organization 0306, in the amount of \$2,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-FOURTH: 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 Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2024, organization 0432, in the total amount of \$4,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-FIFTH: 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 Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2024, organization 0313, in the amount of \$8,242,100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-SIXTH: 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 Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2024, organization 0310, in the amount of \$2,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-SEVENTH: 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 Department of Veterans' Assistance, fund 0456, fiscal year 2024, organization 0613, in the amount of \$1,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-EIGHTH: 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 Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2024, organization 0603, in the total amount of \$3,039,900, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

THIRTY-NINTH: To make a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2024, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FORTIETH: 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 Department of Health and Human Resources, fund 0525, fiscal year 2024, organization 0506, in the amount of \$5,225,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FORTY-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 Attorney General, fund 0150, fiscal year 2024, organization 1500, in the amount of \$2,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FORTY-SECOND: 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 Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2024, organization 0612, in the amount of \$1,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FORTY-THIRD: To expire funds to the balance of the Department of Education, Vocational Consolidated Accounts Fund, fund 3945, fiscal year 2024, organization 0402, in the amount of \$12,000,000, from the State Department of Education, fund 3517, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

FORTY-FOURTH: To amend § 18B-3D-6 of the Code of West Virginia, 1931, as amended, to create a three-year pilot program to include Potomac State College of West Virginia University as an eligible institution for participation in the "Learn and Earn Program."

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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 Sixth Day of August, in the Year of our Lord, Two Thousand Twenty-Three, and in the One Hundred Sixty-First Year of the State.



GOVERNOR

By the Governor



SECRETARY OF STATE

