STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 23-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor, among other things, to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency, to control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Orders 7-20, 10-20, 11-20, 12-20, and 17-20 suspended certain provisions and sections of statutes that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there have been additional statutory regulations identified by the West Virginia Board of Examiners in Counseling, certain municipalities with municipal elections presently scheduled to be held before June 1, 2020 which are not yet subject to the suspension of timing requirements as it relates to charter amendment in Paragraph 4 of Executive Order 18-20, and the West Virginia Alcohol Beverage Control Administration that are preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

WHEREAS, Executive Order 9-20 ordered all individuals within the state to stay at home or their place of residence unless performing an essential activity, ordered closed all non-essential businesses and operations, and defined essential businesses and operations that could remain open with proper social distancing and other measures to counter the spread of COVID-19 within the state; and

WHEREAS, golf courses have continued to operate on a limited basis under Section 1(g) of Executive Order 9-20, which allows individuals to leave their home or residence to engage in outdoor activity, provided that such individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a limitation on gathering size; and

WHEREAS, most golf courses have operated safely and appropriately under the parameters of Section 1(g) of Executive Order 9-20, but there have been reports of certain golf courses continuing to allow multiple individuals to ride in a single golf cart and otherwise not mandating proper social distancing and hygiene at such courses; and

WHEREAS, further measures are necessary to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19, including mandating stringent safety and health protocols for any continued use of public or private golf courses throughout the state.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, the following statutory regulations and provisions are to be suspended for the duration of the State of Emergency:

1. In the discretion of the West Virginia Board of Examiners in Counseling who shall issue additional guidance, the requirement that a nonresident professional counselor or a nonresident marriage and family therapist who holds a valid out-of-state license or

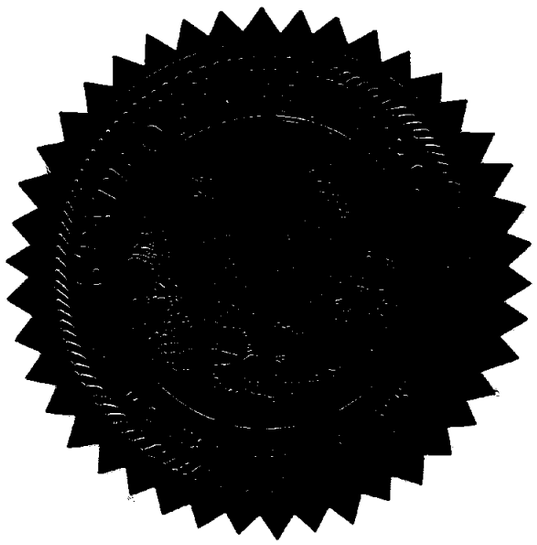
other authorization to engage in the practice of professional counseling or marriage and family therapy which, in the opinion of the board, the requirements and qualifications for which are at least as stringent as those provided in W. Va. Code §§ 30-31-8 and 9, and who renders counseling services in this state for no more than thirty days in any calendar year (W. Va. Code § 30-31-11(b)(2)), provided that this suspension relates only to the 30-day practice limitation of such regulatory statute.

2. Any municipality with an election day previously scheduled by municipal charter under Chapter 8 of the West Virginia Code for any date prior to June 1, 2020, may delay the date of the municipal election day under the provisions of Paragraph 4 of Executive Order 18-20; provided that any municipal election day delay ordered by the municipal governing body under this Executive Order shall be scheduled for July 7, 2020, or as soon thereafter as practicable after consultation with the Secretary of State.
3. Deadline to renew licenses and permits from the West Virginia Alcohol Beverage Control Administration for brewers, importers, resident brewers, brewpubs, Class A retail dealers – taverns (W. Va. Code § 11-16-9); and distilleries, mini-distilleries, wineries, farm wineries, multi-capacity licensees, private wine restaurants, private wine bed and breakfasts, private wine spas, and private wine stadiums (W. Va. Code § 60-8-3, § 60-4-14 and § 60-4-15); provided, this suspension shall not include the license renewal for Class B retail dealers – beer retailers, wine retailers, wine specialty shops, wine direct shippers, beer distributors, and other licenses and permits not explicitly mentioned above; and provided further that this suspension shall not apply to the 10-year rights to sell liquor at retail, commonly known as the "Rebid 2020," and those rebid payments are due on or before June 30, 2020 (See W. Va. Code §60-3A-1 et seq.). In the event that this State of Emergency is declared to be terminated prior to June 30, 2020, all licenses subject to this Order and Executive Order 7-20, shall be given the greater of 30 days or to June 30, 2020 to file their renewal applications. Finally, nothing in this Order or Executive Order 7-20 prohibits a license holder to renew their license prior to June 30, 2020, if he or she chooses to make such license renewal.

FURTHER, I, JIM JUSTICE pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective as of 12:00 AM, Eastern Standard Time, on the Tenth day of April, Two Thousand Twenty, as follows:

4. That all public and private golf courses shall mandate proper hygiene and sanitary procedures in line with applicable West Virginia Department of Health and Human Resources guidelines and cleaning protocols and shall mandate proper social distancing of at least six feet between individuals, including a limitation of one individual per golf cart for individuals who do not reside together, and shall encourage all individuals who are physically able to do so to walk rather than use golf carts to decrease contact with common surfaces at such golf courses.
5. To the extent that counties have sufficient time, resources, and capabilities to add a municipality's election to the June 9, 2020, primary election ballot, irrespective of the previously scheduled municipal election date or provisions of Executive Order 18-20, pursuant to W. Va. Code § 8-5-5(b) a municipality and county may execute an agreement to hold the municipal election concurrently with the county's 2020 primary election if practicable under the circumstances, which election shall be administered according to the provisions of Chapters 3 and 8 of the West Virginia Code where applicable; provided that for any municipal election date established by a municipal charter, the municipal governing body may adopt a new municipal election day consistent with the June 9, 2020, primary election date in accordance with the provisions of Paragraph 4 of Executive Order 18-20; and provided further that nothing in this Executive Order shall require any county to enter into an agreement with a municipality if such is not practicable as determined by the appropriate county officials.

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



By the Governor

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

GOVERNOR

SECRETARY OF STATE