

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Second Legislature  
First Extraordinary Session

Held at Charleston  
Published by the Clerk of the House



May 16, 2016  
FIRST DAY



West Virginia Legislature  
Journal of the House of Delegates  
Eighty-Second Legislature  
First Extraordinary Session

---

Charleston, Monday, May 16, 2016

---

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

Pursuant to the Proclamation of His Excellency, the Governor, issued the twelfth day of May, 2016, and hereinafter set forth, convening the Legislature in Extraordinary Session on the sixteenth day of May, 2016, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston, and at twelve o'clock meridian, was called to order by the Speaker, the Honorable Tim Armstead.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 666**), and 87 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Ambler, Border, Duke, Ellington, Espinosa, Fleischauer, Fluharty, Hornbuckle, Manchin, Phillips, Shott, Skinner and Zatezalo.

Delegate Hornbuckle was also present for part of the session.

**Messages from the Executive**

The Speaker laid before the House of Delegates the Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk, as follows:

**A P R O C L A M A T I O N**

By the Governor

**I, EARL RAY TOMBLIN**, 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 noon on the sixteenth day of May, Two Thousand Sixteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

**FIRST:** A bill enacting a state budget for fiscal year 2017;

**SECOND:** A bill increasing the tax on cigarettes and tobacco products, and imposing a tax on e-cigarettes;

**THIRD:** A bill increasing the Consumers Sales and Service tax rate and the Use tax rate by not more than one percentage point;

**FOURTH:** A bill eliminating the exemption from Consumers Sales and Service tax and Use tax on sales of telecommunications service and ancillary services;

**FIFTH:** A bill expiring to the unappropriated balance in the State Fund, General Revenue, for fiscal year 2016, the following: \$12,150,000.00 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC) Fund, fund 0175, fiscal year 2009, organization 2300, appropriation 64200; \$8,500,000.00 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; \$2,500,000.00 from the West Virginia Health Care Authority, Health Care Cost Review Fund, fund 5375, fiscal year 2016, organization 0507; \$29,000,000.00 from the Office of the Secretary of Revenue, Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; \$5,000,000.00 from the Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; \$4,631,089.49 from the Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2016, organization 0705; and \$2,000,000.00 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926;

**SIXTH:** A bill authorizing the Governor to furlough state employees in the event of certain fiscal emergencies; and

**SEVENTH:** Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

**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 twelfth day of May, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Third year of the State.

**EARL RAY TOMBLIN,**  
*Governor.*

By the Governor

NATALIE E. TENNANT  
*Secretary of State*

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Ireland, R. Smith and Trecost.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Kessinger, Atkinson and P. Smith.

### **Messages from the Executive**

The Clerk laid before the House of Delegates a communication from His Excellency, the Governor, which was read by the Clerk as follows:

State of West Virginia  
Office of the Governor  
Charleston, WV 25305

May 16, 2016

#### **EXECUTIVE MESSAGE NO. 1 FIRST EXTRAORDINARY SESSION**

The Honorable Tim Armstead, Speaker  
West Virginia House of Delegates  
State Capitol  
Charleston, WV 25305

Dear Speaker Armstead:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget bill for the fiscal year beginning, July, 1, 2016.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, a bill was introduced, which was read by its title and referred to the Committee on Finance:

**By Mr. Speaker, Mr. Armstead, and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 101** — “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

### **Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Mr. Speaker, Mr. Armstead, and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 102** — “A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2016, in the amount of \$12,150,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the amount of \$8,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the

amount of \$2,500,000 from the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the amount of \$29,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the amount of \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of \$4,631,089.49 from the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the amount of \$2,000,000 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926”; to the Committee on Finance.

**By Mr. Speaker, Mr. Armstead, and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 103** — “A Bill to amend and reenact §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-17-4b, all relating to increasing the tax rate on cigarettes and tobacco products; requiring a physical inventory of tax stamps, tobacco products and e-cigarette liquids upon the effective date of tax imposition and upon any tax rate increase; applying tax rate changes to inventories; requiring a report of such inventory be filed sixty days after the effective date of the tax imposition or tax rate change; levying the excise tax on e-cigarette liquid; defining terms; providing for administration of the tax on e-cigarette liquid; specifying penalty for failure to file required reports; specifying criminal sanctions; and specifying effective date”; to the Committee on Finance.

**Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Ambler, Border, Duke, Ellington, Espinosa, Fleischauer, Fluharty, Manchin, Phillips, Shott, Skinner and Zatezalo.

At 12:23 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, May 17, 2016.

---

**HOUSE OF DELEGATES**  
**STEPHEN J. HARRISON, Clerk**  
**Building 1, Room M-212**  
**1900 Kanawha Blvd., East**  
**Charleston, WV 25305-0470**

**WEST VIRGINIA  
HOUSE OF DELEGATES**

---

**TUESDAY, MAY 17, 2016**

---

**HOUSE CONVENES AT 11:00 A.M.**

---

**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 465M**

**LEGISLATIVE OVERSIGHT COMMISSION ON  
EDUCATION ACCOUNTABILITY  
9:00 A.M. – SENATE FINANCE**

HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470