

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



June 12, 2016

FIFTEENTH DAY

Sunday, June 12, 2016

FIFTEENTH DAY

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

The House of Delegates met at 2:00 p.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Saturday, June 11, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 116, Authorizing the Governor to direct payment of certain state debt,

And reports back a committee substitute therefore, with a new title, as follows:

Com. Sub. for H. B. 116 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue an executive order to direct the scheduled payment of the principal and interest due on bonds or notes of the state or its agencies, boards and commissions if it appears imminent that the next ensuing fiscal year of the state will begin and continue for any period during which the budget bill for that fiscal year has not been enacted and made effective; and expiration of force and effect of executive order”,

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 116) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 703**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 704**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 116) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 705**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 116) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

S. B. 1011, Reducing distributions to WV Infrastructure Fund,

And,

S. B. 1012, Increasing tax rate on cigarettes and other tobacco products,

And reports the same back with the recommendation that they each do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bills (S. B. 1011 and S. B. 1012) were each taken up for immediate consideration, read a first time and ordered to second reading.

Bills Introduced

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

By Mr. Speaker, Mr. Armstead

[By Request of the Executive]:

H. B. 120 — “A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to the West Virginia Infrastructure Fund; reducing the distributions to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2017”; to the Committee on Finance.

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

[By Request of the Executive]:

H. B. 121 — “A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution”; to the Committee on Finance.

At 2:45 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 4:00 p.m.

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Afternoon Session

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At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

S. B. 1013, Budget Bill,

And reports the same back, with an amendment, with the recommendation that it do pass, as amended.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (S. B. 1013) was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

Miscellaneous Business

Delegate Lynch announced that was present for part of the session on Saturday, June 11, 2016 and that had he been present on Roll No. 702, he would have voted “Nay”.

Delegate Reynolds asked and obtained unanimous consent that the remarks of Delegate Moffatt regarding H. B. 119 be printed in the Appendix to the Journal.

At 5:04 p.m., the House of Delegates adjourned until 12:00 noon, Monday, June 13, 2016.

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

SPECIAL CALENDAR

Monday, June 13, 2016

16th Day

12:00 NOON

SECOND READING

- S. B. 1011 - Reducing distributions to WV Infrastructure Fund (EFFECTIVE FROM PASSAGE)
- S. B. 1012 - Increasing tax rate on cigarettes and other tobacco products (EFFECTIVE FROM PASSAGE)
- S. B. 1013 - Budget Bill (EFFECTIVE FROM PASSAGE) (FINANCE COMMITTEE AMENDMENT PENDING)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, JUNE 13, 2016

HOUSE CONVENES AT 12:00 P.M.

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