

West Virginia Legislature

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HOUSE of DELEGATES

Eighty-Second Legislature
First Extraordinary Session

Held at Charleston
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June 14, 2016
SEVENTEENTH DAY

Tuesday, June 14, 2016

SEVENTEENTH DAY

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

The House of Delegates met at 10:00 a.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 Monday, June 13, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Executive

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

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

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 **AMEND** the Proclamation dated the twelfth day of May, Two Thousand Sixteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o'clock noon on the sixteenth day of May, Two Thousand Sixteen, and amended by subsequent Proclamations dated the first day of June, Two Thousand Sixteen and the tenth day of June, Two Thousand Sixteen, by adding items eleven, twelve, thirteen, and fourteen, as follows:

ELEVENTH: A bill to establish a special revenue fund designated the Public Employees Insurance Agency Financial Stability Fund and granting the Secretary of Revenue the authority to redirect certain special revenue funds into the Stability Fund;

TWELFTH: A bill appropriating \$15 million to a new fund 7401 (the Public Employees Insurance Agency Financial Stability Fund), fiscal year 2017, organization 0703 of the State Budget Office account, for the purpose of offsetting retiree premium increases and maintaining PEIA fund solvency;

THIRTEENTH: A bill authorizing various boards and commissions to promulgate legislative rules;

FOURTEENTH: A bill to repair a technical error in the Traffic Regulations and Laws of the Road relating to participation in the Motor Vehicle Alcohol Test and Lock Program.

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 thirteenth day of June, 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

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, to take effect from passage, of

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

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 1. THE GOVERNOR.

§5-1-30. Authority to direct payment of certain debt in emergency.

(a) The Legislature makes the following findings:

(1) Subdivision (12), subsection (d), section fifty-one, article VI of the Constitution of West Virginia authorizes the Legislature to enact laws as are necessary and proper to carry out the purposes of section fifty-one, article VI of the Constitution of West Virginia.

(2) One of the purposes of section fifty-one, article VI of the Constitution of West Virginia is to ensure the solvency and fiscal well-being of the State of West Virginia.

(3) Ensuring payment of the debt service on the notes and bonded indebtedness of the state and its agencies, boards and commissions is necessary and proper to ensure the solvency and fiscal well-being of the State of West Virginia.

(b) If, on June 30 of any year, no budget bill has been enacted and made effective for the next ensuing fiscal year, the Governor shall have plenary power and authority by 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.

(c) Upon issuance by the Governor of an executive order pursuant to subsection (b) of this section, the State Auditor and State Treasurer shall take such actions as are necessary to ensure payment of the principal and interest due on the bonds or notes of the state, its agencies, boards and commissions as directed by the Governor.

(d) Any executive order issued pursuant to subsection (b) of this section shall continue in full force and effect until the effective date of the budget bill enacted for the fiscal year beginning July 1."

And,

By amending the title of the bill to read 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 generally to granting Governor plenary power and authority to direct scheduled payment of the principal and interest due on bonds or notes of the state or its agencies, boards and commissions if no budget bill has been enacted on June 30 of any year for the ensuing fiscal year; making legislative findings; authorizing the Governor to direct said payments by executive order; directing State Auditor and State Treasurer to take such actions as are necessary to ensure payments as directed by the executive order; and clarifying that an executive order remains effective until the effective date of a budget bill enacted for the fiscal year beginning July 1."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 721**), and there were—yeas 85, nays 3, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Folk, Ihle and McGeehan.

Absent and Not Voting: Campbell, Deem, Ellington, Ferro, Flanigan, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority 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) passed.

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

On this question, the yeas and nays were taken (**Roll No. 722**), and there were—yeas 85, nays 4, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Faircloth, Folk, Ihle and McGeehan.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall 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.

Resolutions Introduced

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Hamrick, Howell, Walters, Arvon and Waxman:

H. J. R. 1 — “Proposing an amendment to the Constitution of the State of West Virginia, amending article ten thereof by adding thereto a new section, designated §13, relating to enacting the Taxpayer’s Bill of Rights; limiting annual growth in state and local government entity spending; limiting government entity revenue; establishing a formula for limits on government entity spending and revenue; requiring state and local government entities to issue refunds to taxpayers if state spending exceeds spending or revenue limits; exempting certain sources of revenue from spending limits; allowing a cause of action for enforcement of limits on government entity revenue; requiring a government entity, when revenue is refunded as the result of a lawsuit, to pay interest on revenue illegally kept for any period within four years before a suit was filed; defining terms; requiring a government entity to submit proposals for the following measures to popular vote before such measures may go into effect: new taxes, tax rate increases, mill levy increase, valuation for assessment ratio increase for a property class, extension of expiring tax, or any other tax policy change causing a net tax revenue gain; requiring a government entity, before entering into a financial obligation without adequate present cash reserves held irrevocably for future payments, to submit such proposed measures to popular vote; establishing election procedures for elections required by the new provisions; requiring a government entity to issue taxpayer refunds if an entity publishes incorrect estimates to voters regarding the fiscal impact of proposed measures; requiring government entities to reserve a percentage of funds for declared emergencies; establishing certain exemptions for emergency taxes; prohibiting emergency property taxes; establishing procedures for imposing emergency taxes; establishing revenue limits and restrictions; and allowing local government entities to end subsidies to any program required by state statutory law”; to the Committee on Finance then the Judiciary.

Motions

At the request of Delegate Cowles, and by unanimous consent, permission was granted the Joint Committee on Enrolled Bills, after it had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this session of the Legislature, to file its report with the Clerk and that such reports be included in the final Journal of this session, that communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, also be included in the Journal and that other applicable communications not reported before the adjournment of this session, which do not require action by the House, be considered received by the House, filed with the Clerk and recorded in the Journal.

At 10:42 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

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Afternoon Session

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Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1015 — “A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to participation in Motor Vehicle Alcohol Test and Lock Program; and clarifying offenses for which individuals are eligible to participate in the program.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (S. B. 1015) to a committee was dispensed with; and it was 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. 723**), and there were—yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Deem, Ellington, Ferro, Flanigan, Hartman, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Rowan, P. Smith, Trecoast, Upson, Westfall 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 third reading.

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. 724**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecoast, Upson, Westfall and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 725**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecoast, Upson, Westfall 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 (S. B. 1015) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1017 — “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to, and recommended by, the Legislative Rule-Making Review Committee; authorizing certain agencies and commissions to repeal certain legislative, procedural or interpretative rules that are no longer authorized or are obsolete; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapists licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family license renewal and continuing professional education requirements; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of nontraditional domesticated animals; authorizing the Department of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Department of Agriculture to promulgate a legislative rule relating to captive cervid farming; repealing the Department of Agriculture legislative rule relating to tobacco; repealing the Department of Agriculture legislative rule relating to the conduct of beef industry self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to the conduct of beef self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to West Virginia seal of quality; repealing the Department of Agriculture legislative rule relating to aquaculture farm rules; repealing the Department of Agriculture procedural rule relating to the conduct of tree fruit industries self-improvement assessment program referendums; authorizing the State Conservation Committee to promulgate a legislative rule relating to the West Virginia Conservation Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants; authorizing the State Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals Public Campaign Financing Program; authorizing the State Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice of professional engineers; authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to the board; authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; directing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures of Physicians and Podiatrists; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the

Board of Pharmacy to promulgate a legislative rule relating to record keeping and automated data processing systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers; authorizing the Property Valuation and Procedures Commission to promulgate a legislative rule relating to tax map sales; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Secretary of State to promulgate a legislative rule relating to registration forms and receipts; authorizing the Secretary of State to promulgate a legislative rule relating to the elimination of precinct registration books; authorizing the Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing the Secretary of State to promulgate a legislative rule relating to the Freedom of Information Act database; repealing the Secretary of State legislative rule relating to matters relating to corporations and other business entity filing; repealing the Secretary of State legislative rule relating to matters relating to official election forms and vendor authorization; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; repealing the Cable TV Advisory Board legislative rule relating to franchising procedures; repealing the Cable TV Advisory Board legislative rule relating to implementing regulations; repealing the Cable TV Advisory Board legislative rule relating to calculation and collection of late fee; repealing the Cable TV Advisory Board procedural rule relating to administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act; repealing the Cable TV Advisory Board procedural rule relating to rate regulation procedures; repealing the Cable TV Advisory Board procedural rule relating to form and service of notice under section eight, article eighteen-a, chapter five of this code; repealing the Contractor Licensing Board legislative rule relating to consumer complaints; repealing the Respiratory Care Board legislative rule relating to the procedure for licensure applications; repealing the Attorney General procedural rule relating to freedom of information; repealing the Municipal Bond Commission procedural rule relating to rules of procedure covering board and executive committee meetings of the Municipal Bond Commission; repealing the Housing Development Fund legislative rule relating to refiling of administrative rules pertaining to administration of single-family mortgage loans; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for carrier access to the lines and facilities of other carriers; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for shipper access to the lines and facilities of rail carriers; repealing the Infrastructure and Jobs Development Council procedural rule relating to establishing procedures to provide public notice of date, time, place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development Council and manner in which meetings are to be conducted; repealing the Water Development Authority procedural rule new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Authority and manner in which meetings are to be conducted; and directing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (S. B. 1017) to a committee was dispensed with; and it was 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. 726**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall 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 third reading.

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. 727**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1017) passed.

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

On this question, the yeas and nays were taken (**Roll No. 728**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall 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 (S. B. 1017) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Bills Introduced

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

By Delegates Moffatt, Azinger, Rowe, Blackwell, Zatezalo, Butler and Frich:

H. B. 122 — “A Bill to amend and reenact §33-3-33a of the Code of West Virginia, 1931, as amended, relating to reinstating the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund to finance the Volunteer Fire Department Workers’ Compensation Subsidy Program”; to the Committee on Finance.

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

[By Request of the Executive]:

H. B. 123 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11B-2-32, relating to establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund and granting authority to the Secretary of Revenue to redirect certain special revenue funds to the Public Employees Insurance Agency Financial Stability Fund to be used to lower retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 123) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

By Delegates Marcum, Rodighiero, Eldridge, Lynch, Hicks, Moore, Boggs, Ferro, Caputo, Guthrie and Pushkin:

H. B. 127 — “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended, relating to increasing personal income tax rates for taxpayers earning income over a certain amount”; to the Committee on Finance.

By Mr. Speaker, Mr. Armstead:

H. B. 128 — “A Bill to amend and reenact §33-3-33a of the Code of West Virginia, 1931, as amended, relating to the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund; providing for the deposit of monies into the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund until June 30, 2017; providing for the expiration and closure of the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund on June 30, 2017; and providing for the transfer of any remaining monies in the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund upon closure of such fund.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (H. B. 128) to a committee was dispensed with; and it was read a first time and ordered to second reading.

At 2:25 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 3:30 p.m.

Second Afternoon Session

Messages from the Executive

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

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

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 **AMEND** the Proclamation dated the twelfth day of May, Two Thousand Sixteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o’clock noon on the sixteenth day of May, Two Thousand Sixteen, and amended by subsequent Proclamations dated the first day of June, Two Thousand Sixteen the tenth day of June, Two Thousand Sixteen, and the thirteenth day of June, Two Thousand Sixteen, by adding item fifteen, as follows:

FIFTEENTH: A bill continuing and maintaining the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund up to and including the thirtieth day of June, Two Thousand Seventeen.

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 fourteenth day of June, 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

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

S. B. 1013, Budget Bill.

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendment:

On page one hundred twenty-nine, after item 237, by adding a new item, designated item 238, to read as follows:

238 – State Budget Office

Public Employee Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2017 Org 0703

Retiree Premium Offset.....	80101	\$	5,000,000
PEIA Reserve.....	80102	\$	10,000,000
Total.....		\$	15,000,000

The above appropriation shall be transferred to special revenue fund to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve

fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

By renumbering the remaining items of appropriation accordingly.

And,

On page one hundred forty-five, item 281, line fourteen, by striking out “1,965,026,910” and inserting in lieu thereof “1,980,026,910”.

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 729**), and there were, including 2 paired—yeas 80, nays 7, absent and not voting 13, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Manchin Nay: Ihle

Nays: Azinger, Folk, Gearheart, McGeehan, Perdue, Skinner.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Kurcaba, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) passed.

Delegate Cowles moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 730**), and there were—yeas 83, nays 3, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Azinger, Ihle and McGeehan.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Kurcaba, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall 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 (S. B. 1013) takes effect from passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1010 — “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2016, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (S. B. 1010) to a committee was dispensed with; and it was 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. 731**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Kurcaba, Manchin, J. Nelson, Rohrbach, Trecoast, Upson, Westfall 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 third reading.

The bill was then read a third time.

Delegate Lane requested to be excused from voting on the passage of S. B. 1010 under the provisions of House Rule 49. The Speaker replied that the Delegate exhibited no direct personal or pecuniary interest and refused to excuse the Gentleman from voting.

Delegate Eldridge requested to be excused from voting on the passage of S. B. 1010 under the provisions of House Rule 49. The Speaker replied that any impact on the Member would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Gentleman from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 732**), and there were, including 6 paired—yeas 72, nays 19, absent and not voting 9, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings was filed and announced by the Clerk:

Paired:

Yea:	Atkinson	Nay:	Rohrbach
Yea:	Hicks	Nay:	Walters
Yea:	J. Nelson	Nay:	Summers

Nays: Azinger, Cadle, Faircloth, Folk, Foster, Frich, Gearheart, Hanshaw, Howell, Ihle, Kurcaba, McGeehan, Overington, Shott, Sobonya, Waxman.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Ireland, Manchin, Trecost, Upson and B. White.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (S. B. 1010) passed.

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

On this question, the yeas and nays were taken (**Roll No. 733**), and there were—yeas 80, nays 8, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Cadle, Folk, Frich, Hanshaw, Howell, Ihle, McGeehan and Walters.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson 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 (S. B. 1010) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of **H. B. 123**, Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund.

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. 734**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson 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.

The Clerk then reported an amendment offered by Delegates E. Nelson and Boggs on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-32. Establish a special revenue fund designated the Public Employees Insurance Agency Financial Stability Fund; authority of the Secretary of Revenue to redirect certain special revenue funds to the Public Employees Insurance Agency Financial Stability Fund.

(a) There is hereby created a special revenue account in the State Treasury, designated the Public Employees Insurance Agency Financial Stability Fund, to be administered by the Secretary of Revenue.

(b) The Public Employees Insurance Agency Financial Stability Fund shall consist of moneys appropriated by the Legislature and moneys transferred annually pursuant to the provisions of subsection (c) of this section. These moneys shall be appropriated by the Legislature only for the purposes of lowering retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof.

(c) Notwithstanding any other provisions of this code to the contrary, beginning July 1, 2016, and ending June 30, 2020, the Secretary of Revenue shall redirect nonaligned state special revenue funds, in the total aggregate amount of \$15 million per fiscal year, to be deposited in the Public Employees Insurance Agency Financial Stability Fund. Not more than three million seven hundred fifty thousand dollars may be transferred to the Public Employees Insurance Agency Financial Stability Fund in any quarter of a fiscal year. Not later than thirty days before redirecting the nonaligned state special revenue funds, the secretary shall provide written notice of the amount that will be redirected in each affected account to the Speaker of the House of Delegates, to the President of the Senate and to the agency head who oversees any account that will have funds redirected into the Public Employee Insurance Agency Financial Stability Fund.

(d) For purposes of this section:

(1) 'Nonaligned state special revenue funds' means state revenue funds that are:

(A) Not derived from any federal fund, from any federal grant program or from any other federal revenue source established under the laws of the federal government of the United States of America;

(B) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Legislative Branch of government;

(C) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Judicial Branch of government;

(D) Not expressly dedicated, directed or designated by the Constitution of this state to be used for an express and specified purpose; and

(E) Not moneys held as retirement funds administered by the Consolidated Public Retirement Board, or not held as funds for benefits administered by the Public Employees Insurance Agency.

(2) 'State special revenue funds' means specific revenue sources which, by legislative enactments, are not required to be accounted for as general revenue.

(e) It is the intent of the Legislature that this section shall be interpreted to authorize the redirection, diminishment or modification of special revenue funding for constitutional officers, except that not more than twenty-five percent of the balance of moneys of any nonaligned state special revenue fund administered by a constitutional officer may be transferred in any quarter to the Public Employees Insurance Agency Financial Stability Fund."

The Clerk then reported an amendment to the amendment, offered by Delegate Shott, on page two, section thirty-two, line twenty-two, by striking out the word "quarter" and inserting in lieu thereof the words "fiscal year".

On motion of Delegate Cowles, further consideration of the bill was postponed until 5:00 p.m.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of **H. B. 128**, Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

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. 735**), and there were—yeas 87, nays none absent and not voting 13, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Marcum, J. Nelson, Rohrbach, Trecost, Upson 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. 736**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 128) passed.

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

On this question, the yeas and nays were taken (**Roll No. 737**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson 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 (H. B. 128) 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.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson and B. White.

At 4:48 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

EVENING SESSION

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates proceeded to further consideration of **H. B. 123**.

Whereupon,

Delegate Shott asked and obtained unanimous consent that his amendment to the amendment be withdrawn.

Delegate E. Nelson asked and obtained unanimous consent that the amendment offered by Delegates E. Nelson and Boggs be withdrawn.

The Clerk then reported an amendment offered by Delegates E. Nelson, Shott and Boggs, on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-32. Establish a special revenue fund designated the Public Employees Insurance Agency Financial Stability Fund; authority of the Secretary of Revenue to redirect certain special revenue funds to the Public Employees Insurance Agency Financial Stability Fund.

(a) There is hereby created a special revenue account in the State Treasury, designated the Public Employees Insurance Agency Financial Stability Fund, to be administered by the Secretary of Revenue.

(b) The Public Employees Insurance Agency Financial Stability Fund shall consist of moneys appropriated by the Legislature and moneys transferred annually pursuant to the provisions of subsection (c) of this section. These moneys shall be appropriated by the Legislature only for the purposes of lowering retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof.

(c) Notwithstanding any other provisions of this code to the contrary, beginning July 1, 2016, and ending June 30, 2020, the Secretary of Revenue shall redirect nonaligned state special revenue funds, in the total aggregate amount of \$15 million per fiscal year, to be deposited in the Public Employees Insurance Agency Financial Stability Fund. Not more than three million seven hundred fifty thousand dollars may be transferred to the Public Employees Insurance Agency Financial Stability Fund in any quarter of a fiscal year. Not later than thirty days before redirecting the nonaligned state special revenue funds, the secretary shall provide written notice of the amount that will be redirected in each affected account to the Speaker of the House of Delegates, to the President of the Senate and to the agency head who oversees any account that will have funds redirected into the Public Employee Insurance Agency Financial Stability Fund.

(d) For purposes of this section:

(1) ‘Nonaligned state special revenue funds’ means state revenue funds that are:

(A) Not derived from any federal fund, from any federal grant program or from any other federal revenue source established under the laws of the federal government of the United States of America;

(B) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Legislative Branch of government;

(C) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Judicial Branch of government;

(D) Not expressly dedicated, directed or designated by the Constitution of this state to be used for an express and specified purpose; and

(E) Not moneys held as retirement funds administered by the Consolidated Public Retirement Board, or not held as funds for benefits administered by the Public Employees Insurance Agency.

(2) 'State special revenue funds' means specific revenue sources which, by legislative enactments, are not required to be accounted for as general revenue.

(e) It is the intent of the Legislature that this section shall be interpreted to authorize the redirection, diminishment or modification of special revenue funding for constitutional officers, except that not more than twenty-five percent of the balance of moneys existing at the time of a transfer in any nonaligned state special revenue fund administered by a constitutional officer may be transferred to the Public Employees Insurance Agency Financial Stability Fund: *Provided*, That not more than three million seven hundred fifty thousand dollars may be transferred from any nonaligned state special revenue fund administered by a constitutional officer to the Public Employees Insurance Agency Financial Stability Fund in any fiscal year without an express appropriation of the Legislature."

Delegate Ambler requested to be excused from voting on H. B. 123 under the provisions of House Rule 49. The Speaker announced that other members with the same request could notify the Clerk and notifications from the following members were received: Anderson, Blackwell, Border, Byrd, Duke, Espinosa, D. Evans, Ferro, Fleischauer, Moye, Perry, Rowan, Shaffer, P. Smith, Wagner, Westfall and P. White.

The Speaker replied that any impact on the Members would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Members from voting.

The amendment offered by Delegates E. Nelson, Shott and Boggs was then adopted.

The bill was then 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. 738)**, and there were—yeas 85, nays 4, absent and not voting 11, paired 4, with the nays and absent and not voting and paired being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Ferro Nay: Ihle

Yea: Manchin Nay: Walters

Nays: Cadle and Foster.

Absent and Not Voting: Deem, Ellington, Flanigan, Hicks, Ireland, J. Nelson, Perdue, Rohrbach, Trecost, Upson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 123) passed.

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

On this question, the yeas and nays were taken (**Roll No. 739**), and there were—yeas 87, nays none, absent and not voting 13, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Perdue, Rohrbach, Trecost, Upson 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 (H. B. 123) 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.

At 6:00 p.m., on motion of Delegate Cowles, the House of Delegates recessed for fifteen minutes.

Second Evening Session

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 123, Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 128, Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

Miscellaneous Business

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 completed the business of this First Extraordinary Session of the 82nd Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Lane, Cadle and Morgan.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Duke, Border and Boggs.

Delegate Campbell announced that she was not in her seat when the vote was taken on Roll No. 721, and that had she been present, she would have voted "Yea" thereon.

Delegate Rowan noted to the Clerk that she was absent on today when the vote was taken on Roll Nos. 723, and that had she been present, she would have voted "Yea" thereon.

Delegate Westfall noted to the Clerk that he was absent on today when the vote was taken on S. B. 1013, Budget Bill, and that had he been present, he would have voted "Yea" thereon.

Delegate Miley filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 128.

Messages from the Executive

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

June 2, 2016

The Honorable William P. Cole III
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 1002

Dear President Cole:

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Senate Bill 1002, passed May 27, 2016, approved with the following objections:

My first objection to the Bill pertains to the title of the bill, on page 1, lines 1-23, which states:

"AN ACT expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2016, in the amount of \$1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of \$1,000,000 from the Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of \$1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; \$3,150,000 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 \$3,000,000 from the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; 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 \$32,000,000 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.”

The expirations in this bill are intended to help fill an anticipated budget gap in the current fiscal year, fiscal year 2016. Expiring these funds reduces the amount of an anticipated end of the year appropriation reduction to DHHR accounts, but amendments to the introduced bill by the Legislature added expirations from funds in the Governor's Office – Civil Contingent Fund. The Civil Contingent funds are funds of last resort that are used for unforeseen emergencies.

Therefore, on page 1, lines 2-7, I am deleting the language, “\$1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of \$1,000,000 from the Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of \$1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;”.

My second objection to the Bill pertains to pages 3-4, lines 63-79, which state:

“Whereas, The Legislature finds that the account balances in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; in the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in 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 Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, exceed that which is necessary for the purposes for which the accounts were established; therefore”

Having deleted the language in the title of the Bill in objection one above, I am deleting the language on page 3, lines 63-67, “in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor's Office, Civil Contingent Fund –

Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;”

My third objection to the Bill pertains to page 4, lines 1-24, which state:

“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2016, in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; in the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$1,000,000; in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200, be decreased by expiring the amount of \$3,150,000; in the Treasurer’s Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300, be decreased by expiring the amount of \$3,000,000; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500, be decreased by expiring the amount of \$8,500,000; in the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507, be decreased by expiring the amount of \$2,500,000; in the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701, be decreased by expiring the amount of \$32,000,000; in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704, be decreased by expiring the amount of \$5,000,000; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705, be decreased by expiring the amount of \$4,631,089.49; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, be decreased by expiring the amount of \$2,000,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2016.”

Having deleted the language in the title of the Bill in objection one above, I am deleting the language on page 4, lines 2-7, “Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; in the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$1,000,000; in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000;”

For these reasons stated herein, I have approved, subject to the above objections, Enrolled Senate Bill 1002.

Sincerely,

Earl Ray Tomblin,
Governor

cc: The Hon. Tim Armstead
Speaker, West Virginia House of Delegates
The Hon. Natalie E. Tennant
Secretary of State

Committee Reports

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk after it had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this session of the Legislature:

June 14, 2016

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

And,

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

June 15, 2016

(Com. Sub. for H. B. 116), Authorizing the Governor to direct payment of certain state debt.

June 16, 2016

(H. B. 123), Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund,

(H. B. 128), Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

(S. B. 1010), Supplemental appropriation from State Fund, General Revenue to Department of Education, State Board of Education,

(S. B. 1013), Budget Bill,

(S. B. 1015), Relating to participation in Motor Vehicle Alcohol Test and Lock Program.

And,

(S. B. 1017), Authorizing miscellaneous agencies and boards to promulgate legislative rules.

Messages from the Executive

Actions of His Excellency, the Governor, on other bills following adjournment of the session, as indicated in communications addressed to the Secretary of State, as follows:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

June 17, 2016

VIA HAND DELIVERY

The Honorable Natalie E. Tennant
Secretary of State
State of West Virginia

Building 1, Suite 157-K
 State Capitol
 Charleston, West Virginia 25305

RE: Enrolled Senate Bill No. 1013

Dear Secretary Tennant:

Due to an unexpected and unprecedented decline in severance tax revenue, this year's budget has been one of the most challenging budgets I have worked on in all my years of service to our State.

During the State of the State, I proposed a responsible, balanced budget that included judicious cuts and reasonable revenue enhancement recommendations. While the Legislature did not approve all of my recommendations and the process took longer than I would have liked, I appreciate the work all those involved in passing a final budget that takes some steps to address our long-term financial challenges. The proposed 65-cent cigarette tax, which passed with bipartisan support, creates nearly \$100 million of new revenue moving forward. This revenue helps to address issues with not only the Fiscal Year 2017 budget but projected deficits in future years; however it falls well short of eliminating projected deficits of hundreds of millions of dollars that elected officials will have to address in the future.

The revised budget I proposed for Fiscal Year 2017 includes nearly \$90 million in cuts, \$70 million of revenue from the Rainy Day Fund, and approximately \$19 million of other one time surplus special revenue balance expirations. We have built up a sufficient amount in our Rainy Day Fund that has allowed us to address unanticipated revenue shortfalls of the past two fiscal years, but as one of the creators of the State's reserve fund, I know it was established for occasional revenue shortfalls, and we must curb the reliance on the fund and continue to move toward a structurally sound budget.

Pursuant to the provisions of Section Fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Senate Bill No. 1013, passed June 14, 2016, approved with the following objections:

My first objection to the Bill is contained in Item 128, page 86, line 4, which states:

“Directed Transfer 70000 500,000”

I am advised by the Department of Agriculture federal regulations limit redirection of funds that were initially provided by the federal government. The balance in this fund is highly restricted and not permitted to be redirected from the agricultural/economic development purposes for which this program is intended. If this money is moved out of that account, the State could be forced to reimburse the federal government. Therefore, I am restoring \$500,000 to that account and reducing the directed transfer from \$500,000 to \$0.

My second objection to the Bill is contained in Item 165, page 101, line 7, which states:

“Directed Transfer 70000 1,500,000”

West Virginia's outstanding state park system has limited funds available for the repair and replacement of out-of-compliance water and wastewater treatment facilities, which are important both to protect the environment and allow enjoyment of these facilities. This appropriation would reduce funding available for these very important infrastructure projects and could adversely affect tourism growth. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$1,500,000 to \$1,000,000.

My third objection to the Bill is contained in Item 183, page 108, line 7, which states:

“Directed Transfer 70000 2,000,000”

This fund consists of permit fees for horizontal well drilling activities related to the Marcellus and Utica Shale regions. The one-time permit fee paid by developers is designed to provide funding for regulatory duties throughout the life of the exploration and operation of the wells. I am advised by the Department of Environmental Protection that these fees and the regulatory functions they fund are an important part of maintaining the responsible development of our important natural resources. The Office of Oil and Gas in the Department of Environmental Protection relies primarily on this fund for its operations. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$2,000,000 to \$1,500,000.

My fourth objection to the Bill is contained in Item 217, page 121, line 6, which states:

“Directed Transfer 70000 500,000”

As a part of the Justice Reinvestment Act of 2013, this fund contains supervision fees to be paid by each parolee as part of the conditions of their release on parole. Transferring funds from this account would have a significant negative impact on the safe operation of the Parole Services unit. This impact is counterproductive as we work to provide opportunities for offenders to get back on the right path, return to their families, and become contributing members of their communities and our State’s workforce. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$500,000 to \$0.

My fifth objection to the Bill is contained in Item 305, page 166, lines 16 and 17, which states:

“Licensed Racetrack Thoroughbred Regular Purse Fund..... 10,111,678”

I hereby disapprove and strike the word “Thoroughbred” on page 166, line 17 because it is an unauthorized insertion and it alters or redirects Licensed Racetrack Regular Purse Fund distributions in a manner that contravenes the requirements of general law, among other reasons. The correct name of the fund at issue (and designated as such in the Executive Budget I presented to the Legislature) is the “Licensed Racetrack Regular Purse Fund,” not the “Licensed Racetrack Thoroughbred Regular Purse Fund.” Moreover, West Virginia law specifically controls the distribution of the Licensed Racetrack Regular Purse Fund monies; the Legislature may not use an unauthorized insertion in the Budget Bill to undermine general law. See, e.g., *Dadisman v. Moore*, 384 S.E.2d 816, 825 (W. Va. 1988) (“It is fundamental to our constitutional law and we affirm that the Legislature cannot amend general substantive statutes with budgetary language.”). I also disapprove and strike the “0” from page 166, line 16 in order to clarify the Legislature’s appropriation of \$10,111,678 to the Licensed Racetrack Regular Purse Fund.

My sixth objection to the Bill is contained in Item 386, page 194, line 1, which states:

“Directed Transfer 70000 \$ 1,000,000”

Currently no general revenue funds are dedicated for marketing in the West Virginia Development Office, and special revenue sources have declined significantly in recent years. As we work to expand and diversify our economy, efforts to spread the word about the good things happening in West Virginia are vital, and reducing the funding for that outreach would be counterproductive. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$1,000,000 to \$500,000.

My seventh objection to the Bill is contained in Item 396, page 196, line 1, which states:

“Directed Transfer 70000 \$ 500,000”

The monies in this fund reflect the efforts of the Board of Pharmacy to save for necessary large, one time expenditures, including a Controlled Substances Monitoring Program database, as well as a new licensing database. The efforts of the Board of Pharmacy continue to be an important part of our efforts to combat substance abuse in West Virginia, and that effort is critical to ensuring we have a healthy, drug-free workforce available for employers. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$500,000 to \$0.

As noted above, this year's budget process was exceptionally difficult and required hard work on the part of the Governor's Office, the Department of Revenue, Legislature and a number of other State agencies. While we eventually were able to reach a reasonable compromise and restore certainty for so many of our State employees, residents and businesses, it is important to note that serious financial challenges remain in the years ahead. I am exceptionally proud of the steps that we have taken during my years in the Legislature and as Governor of this great State, including the reduction of business and consumer taxes while also creating one of the strongest reserve funds in the nation. While I will not be a part of finalizing the Fiscal Year 2018 budget, I encourage those who come after me to maintain that commitment to fiscal responsibility so our State can realize the great potential that we all know is possible.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Senate Bill No. 1013.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Hon. William P. Cole, III
President of the Senate

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on **June 16, 2016**, he approved S. B. 1010; on **June 17, 2016**, he approved S. B. 1011, S. B. 1012, S. B. 1015, S. B. 1017, H. B. 116, H. B. 123 and H. B. 128.

There being no further business to come before the House, at 5:23 p.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2016, is the Official Journal of the House of Delegates for said session.

Tim Armstead
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates

HOUSE OF DELEGATES
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