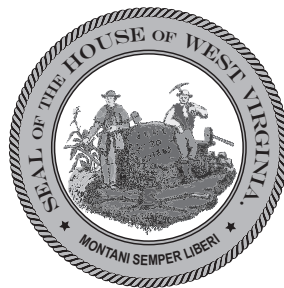


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



July 22, 2019
ELEVENTH DAY

Monday, July 22, 2019

ELEVENTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

Pursuant to the June 19, 2019 motion to adjourn and the subsequent letter from the Speaker of the House reconvening the First Extraordinary Session on Monday, July 22, 2019 at 12:00 Noon, the House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, June 19, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 25th day of July, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 118, Relating to the use of post-criminal conduct in professional and occupational initial licensure decision making.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 28th day of July, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 144, West Virginia Business Ready Sites Program,

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office,

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund,

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund,

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund,

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones,

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office,

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office,

H. B. 154, Making a supplementary appropriation to the Department of Transportation, Division of Highways,

Com. Sub. for H. B. 155, Supplementing, amending and increasing an item from the State Road Fund to the Department of Transportation, Division of Highways,

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection,

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management,

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities,

H. B. 206, Relating to public education,

S. B. 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account,

S. B. 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority,

S. B. 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill,

S. B. 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance,

S. B. 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund,

S. B. 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund,

S. B. 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019,

S. B. 1027, Adding new items and increasing existing items to various accounts,

And,

S. B. 1038, Supplemental appropriation to DHHR, Division of Health's Central Office.

Messages from the Executive

The following Proclamation of His Excellency, the Governor, was laid before the House of Delegates and 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, **JIM JUSTICE**, 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 seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the twentieth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the thirty-first day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the fourteenth day of June, Two Thousand Nineteen, by adding items forty-seven through fifty, as follows:

FORTY-SEVENTH: a bill to exempt from the business and occupation tax certain merchant power plants; and

FORTY-EIGHTH: a bill relating to residency requirements for licenses issued by the West Virginia Alcohol Beverage Control Administration, West Virginia Department of Health and Human Resources, and West Virginia Lottery Commission; and

FORTY-NINTH: a resolution relating to the issuance of State Road Bonds authorized to be issued for fiscal years ending June 30, 2019 and June 30, 2020, in conjunction with the Roads to Prosperity Amendment of 2017; and

FIFTY: a resolution relating to the issuance of State Road Bonds authorized to be issued for fiscal year ending June 30, 2021, in conjunction with the Roads to Prosperity Amendment of 2017.

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 nineteenth day of July, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Seventh year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

At 12:19 p.m., on motion of Delegate Summers, the House of Delegates recessed until 1:15 p.m.

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Afternoon Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Executive

Mr. Speaker, Mr. Hanshaw, presented communications from His Excellency, the Governor, advising that on June 28, 2019, he approved **H. B. 113, H. B. 118, H. B. 144, H. B. 146, H. B. 148, H. B. 149, H. B. 150, H. B. 151, H. B. 152, H. B. 153, H. B. 154, Com. Sub. for H. B. 155, H. B. 156, H. B. 157, H. B. 206, S. B. 1015, S. B. 1017, S. B. 1020, S. B. 1021, S. B. 1023, S. B. 1024, S. B. 1025, S. B. 1027 and S. B. 1038.**

Messages from the Senate

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:

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

“That the total appropriation for the fiscal year ending June 30, 2020, to fund 0407, fiscal year 2020, organization 0506, be supplemented and amended by decreasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

57 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

	Appropriation		General Revenue Fund
1 Personal Services and Employee Benefits.....	00100	\$	251,555
3 Current Expenses	13000		406,155

And, That the total appropriation for the fiscal year ending June 30, 2020, to fund 0131, fiscal year 2020, organization 1400, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

10 – Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

	Appropriation		General Revenue Fund
1 Personnel Services and Employee Benefits.....	00100	\$	251,555
3 Current Expenses	13000		406,155”

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. 905**), 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: Boggs, Butler, Evans, Fleischauer, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Swartzmiller, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 132) passed.

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

On this question, the yeas and nays were taken (**Roll No. 906**), 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: Boggs, Butler, Evans, Fleischauer, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Swartzmiller, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 132) 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 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. 193, Relating to a statewide school personnel job bank,

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

“ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-7a. Statewide job bank.

(a) The state board shall establish and maintain a statewide job bank to assist the recruitment and reemployment of experienced professional personnel. ~~whose employment with county boards has been terminated because of a reduction in force.~~ The job bank shall consist of ~~two parts~~ the following for each county:

(1) A list of the names, qualifications, and contact information of all professional personnel who have been terminated because of a reduction in force, except personnel who have requested in writing that they not be listed in the job bank; ~~and~~

(2) A list of professional positions for which the county is seeking applicants; and

(3) A total compensation statement for each listed position.

(b) The job bank shall be accessible electronically to each county and to individuals on a read only basis, except that each county shall have the capability of editing information for the county and shall be responsible for maintaining current information on the county lists.

(c) The following terms are defined as follows:

(1) ‘Direct compensation’ means base salary and incentives that are provided regularly and consistently.

(2) ‘Indirect compensation’ means any noncash benefit provided to an employee, including, but not limited to:

(A) Health insurance;

(B) Dental insurance;

(C) Vision insurance;

(D) Life insurance;

(E) Disability income protection;

(F) Retirement benefits;

(G) Employer student loan contributions or other employee assistance programs;

(H) Educational benefits;

(I) Childcare;

(J) Relocation benefits; and

(K) Vacation leave, sick leave, and any other form of paid time-off.

(3) 'Total compensation statement' means a list of direct and indirect compensation provided or offered for a position, including an itemized list of the types of compensation provided or offered and a cumulative total of the value of all compensation provided or offered."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 193 - "A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to the statewide school personnel job bank; expanding the purpose of the statewide job bank to include the recruitment and reemployment of professional experienced personnel; requiring that a total compensation statement be contained within a job posting on the statewide job bank; and defining terms."

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. 907**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 193) passed.

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. 1056 - "A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to Department of Education, State Board of Education, State Aid to Schools, fund 0317, fiscal year 2020, organization 0402, by increasing and decreasing existing items of appropriation for the fiscal year ending June 30, 2020."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1056) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 908**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

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.

On the passage of the bill, the yeas and nays were taken (**Roll No. 909**), and there were—yeas 84, nays 5, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Bibby, Kump, McGeehan, Toney and Wilson.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1056) passed.

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

On this question, the yeas and nays were taken (**Roll No. 910**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1056) 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. 1057 - "A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the State Department of Education, State Board of Education, fund 0313, fiscal year 2020, organization 0402, by adding a new item of appropriation for the fiscal year ending June 30, 2020."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1057) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 911**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

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.

On the passage of the bill, the yeas and nays were taken (**Roll No. 912**), and there were—yeas 86, nays 3, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Bibby, McGeehan and Wilson.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1057) passed.

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

On this question, the yeas and nays were taken (**Roll No. 913**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1057) 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. 1058 - "A Bill supplementing and amending an item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2020, organization 0441, by increasing an existing item of appropriation for the fiscal year ending June 30, 2020."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1058) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 914**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

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.

On the passage of the bill, the yeas and nays were taken (**Roll No. 915**), and there were—yeas 86, nays 3, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, McGeehan and Paynter.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1058) passed.

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

On this question, the yeas and nays were taken (**Roll No. 916**), and there were—yeas 87, nays 2, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1058) 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 that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 144, West Virginia Business Ready Sites Program.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities.

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. 148, Making a supplementary appropriation to the Executive, Governor's Office.

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. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent 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. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations 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. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education 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. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office.

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. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office.

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. 154, Making a supplementary appropriation to the Department of Transportation, Division of Highways.

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:

Com. Sub. for H. B. 155, Supplementing, amending and increasing an item from the State Road Fund to the Department of Transportation, Division of Highways.

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. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection.

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. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management.

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. 206, Relating to public education.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

S. B. 1027, Adding new items and increasing existing items to various accounts.

Resolutions Introduced

Resolutions were introduced, pursuant to House Rule 109, and read by their titles, as follows:

Delegates Hanshaw (Mr. Speaker) and Miley offered the following resolution:

H. C. R. 104 - "Providing for the issuance of not to exceed \$600 million of bonds pursuant to the Roads to Prosperity Amendment of 2017 and §17-26A-1 *et seq.* of the Code of West Virginia."

Resolved by the Legislature of West Virginia:

That state road bonds in the principal amount not to exceed \$600 million are authorized to be sold by the Governor during the fiscal year ending June 30, 2020 which includes the \$400 million authorized to be issued in the fiscal year ending June 30, 2019 but not issued and which are hereby carried forward to the fiscal year ending June 30, 2020. The bonds shall be issued in registered form and may be issued by the Governor in such amounts and in one or more series, in such denominations, at such times during that fiscal year and bearing the date or dates as the Governor may determine; and, be it

Further Resolved, That all bonds shall be payable at the Office of the Treasurer of the State of West Virginia or at a paying agent designated by the Treasurer. The bonds shall be dated and mature on dates and at times as the Governor shall determine. The bonds shall bear interest at rates not exceeding six percent (6.00%) per annum, payable semiannually. The Treasurer of the State of West Virginia shall issue his or her check for the interest and principal then due on the same dates each year and mail it to the registered owner at the addresses shown by the record of registration or shall provide the requisite funds by electronic means acceptable to the public municipal finance industry. The bonds may be redeemable on a date or dates prior to maturity as determined by the Governor; and, be it

Further Resolved, That the bonds shall be signed on behalf of the State of West Virginia as provided under §17-26A-2 of the Code of West Virginia; and, be it

Further Resolved, That the Governor shall sell the bonds herein mentioned at a time or times during the fiscal year as he may determine necessary to provide funds for matching available federal funds for highway and bridge construction and for general highway and secondary roads and bridge construction or improvements in this state, as herein provided, upon recommendation of the Commissioner of Highways; and, be it

Further Resolved, That the proceeds of all sales of bonds herein authorized shall be paid into the State Road Fund created by §17-3-1 of the Code of West Virginia, 1931, as amended, and used for the purposes set forth in §17-26A-1 *et seq.* of said code and in the Roads to Prosperity Amendment of 2017; and, be it

Further Resolved, That this resolution constitutes affirmative official intent of the State of West Virginia toward the issuance of the bonds as contemplated herein in accordance with the purposes of the laws of the State of West Virginia and the United States Internal Revenue Code and the regulations issued thereunder. The State of West Virginia reasonably expects, as of the date thereof, to timely reimburse the State Road Fund for certain costs of the highway and bridge projects described above paid from the State Road Fund prior to the issuance of the bonds with the proceeds of the bonds.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 104) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution (H. C. R. 104) was adopted.

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

Delegates Hanshaw (Mr. Speaker) and Miley offered the following resolution:

H. C. R. 105 - "Providing for the issuance of not to exceed \$200 million of bonds after July 1, 2020 pursuant to the Roads to Prosperity Amendment of 2017 and §17-26A-1 *et seq.* of the Code of West Virginia."

Resolved by the Legislature of West Virginia:

That state road bonds in the principal amount not to exceed \$200 million are authorized to be sold by the Governor during the fiscal year ending June 30, 2021. The bonds shall be issued in registered form and may be issued by the Governor in such amounts and in one or more series, in such denominations, at such times during that fiscal year and bearing the date or dates as the Governor may determine; and, be it

Further Resolved, That all bonds shall be payable at the Office of the Treasurer of the State of West Virginia or at a paying agent designated by the Treasurer. The bonds shall be dated and mature on dates and at times as the Governor shall determine. The bonds shall bear interest at rates not exceeding six and one-half percent (6.50%) per annum, payable semiannually. The Treasurer of the State of West Virginia shall issue his or her check for the interest and principal then due on the same dates each year and mail it to the registered owner at the addresses shown by the record of registration or shall provide the requisite funds by electronic means acceptable to the public municipal finance industry. The bonds may be redeemable on a date or dates prior to maturity as determined by the Governor; and, be it

Further Resolved, That the bonds shall be signed on behalf of the State of West Virginia as provided under §17-26A-2 of the Code of West Virginia; and, be it

Further Resolved, That the Governor shall sell the bonds herein mentioned at a time or times during the fiscal year as he may determine necessary to provide funds for matching available federal funds for highway and bridge construction and for general highway and secondary roads and bridge construction or improvements in this state, as herein provided, upon recommendation of the Commissioner of Highways; and, be it

Further Resolved, That the proceeds of all sales of bonds herein authorized shall be paid into the State Road Fund created by §17-3-1 of the Code of West Virginia, 1931, as amended, and used for the purposes set forth in §17-26A-1 *et seq.* of said code and in the Roads to Prosperity Amendment of 2017; and, be it

Further Resolved, That this resolution constitutes affirmative official intent of the State of West Virginia toward the issuance of the bonds as contemplated herein in accordance with the purposes of the laws of the State of West Virginia and the United States Internal Revenue Code and the regulations issued thereunder. The State of West Virginia reasonably expects, as of the date thereof, to timely reimburse the State Road Fund for certain costs of the highway and bridge projects described above paid from the State Road Fund prior to the issuance of the bonds with the proceeds of the bonds.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 105) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution (H. C. R. 105) was adopted.

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

Bills Introduced

The following bills were introduced pursuant to House Rule 92:

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 207 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13-2q, relating to exempting from business and occupation tax certain merchant power plants; defining merchant power plant; specifying conditions for exemption from tax; and specifying effective date."

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 207) was taken up for immediate consideration, read a first time then referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 208 - "A Bill to repeal §29-22B-327 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3 and §11-16-8 of said code; to amend and reenact §16A-6-3 of said code; to amend and reenact §29-22B-503, §29-22B-504, and §29-22B-512 of said code; to amend and reenact §60-1-5 of said code; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-7-4 and §60-7-5 of said code; and to amend and reenact §60-8-16 and §60-8-17 of said code, all relating to residency, manager, and licensure requirements for West Virginia Alcohol Beverage Control Administration applicants and licensees; removing residency requirements for granting permits under the Medical Cannabis Act; and removing residency requirements for the West Virginia Lottery."

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 208) was taken up for immediate consideration, read a first time then referred to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 209 - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to requirements for competitive bidding on government construction contracts; providing that the term 'construction project' includes work performed for recovery from a declared state of disaster or state of emergency; providing that such work may be procured through competitive bidding; and updating a reference to other sections of code."

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 209) was taken up for immediate consideration, read a first time then referred to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 210 - "A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to Auditor's Office, General Administration, fund 0116, fiscal year 2020, organization 1200, by increasing an existing item of appropriation for the fiscal year ending June 30, 2020."

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 210) was taken up for immediate consideration, read a first time then referred to the Committee on Finance.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Kump during Remarks by Members in the Appendix to the Journal.

Delegate Sponaugle noted to the Clerk that he was absent on Wednesday, June 19, 2019, when the vote was taken on Roll No. 902, and that had he been present, he would have voted "Nay" thereon.

At 2:32 p.m., the House of Delegates adjourned until 9:00 a.m., Tuesday, July 23, 2019.

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

SPECIAL CALENDAR

Tuesday, July 23, 2019

12th Day

9:00 A. M.

(NO BILLS)

HOUSE CALENDAR

Tuesday, July 23, 2019

12th Day

9:00 A. M.

THIRD READING

- H. B. 120 - Supplementary appropriation to the Department of Transportation
(RIGHT TO AMEND)
- H. B. 134 - Increasing annual salaries of public school teachers and school
service personnel (RIGHT TO AMEND)

SECOND READING

- H. B. 168 - Establishing the West Virginia Equal Opportunity Education
Scholarship program

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JULY 23, 2019

HOUSE CONVENES AT 9:00 A.M.

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