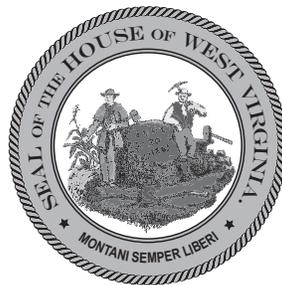


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



June 18, 2019
EIGHTH DAY

Tuesday, June 18, 2018

EIGHTH DAY

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

The House of Delegates met at 1:00 p.m., and 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 Monday, June 17, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

ELECTION OF SERGEANT-AT-ARMS

The next order of business being the election of Sergeant-at-Arms, nominations were in order.

Delegate Kessinger, a Delegate from the 32nd Delegate District, nominated Marshall Clay of the County of Fayette, as follows:

DELEGATE KESSINGER. Thank you, Mr. Speaker. It is my pleasure to nominate my friend and constituent, Marshall Clay, for the position of the Sergeant-at-Arms. For years, Marshall served as our faithful and vigilant Sergeant-at-Arms and after ... and over the years has proven himself to be a man of high moral standing and integrity.

After serving the House of Delegates for several years, he needed a break from all our shenanigans, and decided to take a different job. But, after a series of unfortunate events, has proven that he is a real glutton for punishment by coming back to us.

So today, Mr. Speaker, when the need arose, Marshall stepped up, and has been doing so diligently. So, I would like to nominate Marshall Clay for the position of Sergeant-at-Arms.

The nomination was seconded by Delegate Howell of the 56th Delegate District, with the following remarks:

DELEGATE HOWELL. Thank you, Mr. Speaker. Nothing speaks West Virginia more than Marshall Wayne Clay. He's named after three of our counties. I cannot think of a more fitting person to be our Sergeant-at-Arms. Therefore, I submit his name in nomination.

On motion of Delegate Kessinger, nominations were closed.

On motion of Delegate Kessinger, the Honorable Marshall Clay of the County of Fayette was elected Sergeant-at-Arms by acclamation. (Applause, members rising in ovation)

Mr. Clay then took the oath of office as prescribed for Sergeant-at-Arms, which oath of office was administered by the Honorable Roger Hanshaw, Speaker of the House of Delegates.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 155, Removing certain fees for teaching,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 155 - "A Bill supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 155) 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. 825**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kump and Staggers.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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 read a third time and put upon its passage.

Delegates Foster and Criss requested to be excused from voting on Com. Sub. for H. B. 155 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 826**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 155) passed.

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

On this question, the yeas and nays were taken (**Roll No. 827**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast and Kump.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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. 155) takes effect from its passage.

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

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

Your Committee on Finance has had under consideration:

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

And reports the same back with the recommendation that it do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 154) 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. 828**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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 read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 829**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 154) passed.

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

On this question, the yeas and nays were taken (**Roll No. 830**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 154) takes effect from its passage.

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

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

Your Committee on Finance has had under consideration:

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

And reports the same back with the recommendation that it do pass.

Delegate Summers asked unanimous consent that the bill (H. B. 168) be taken up for immediate consideration, read a first time and ordered to second reading, which consent was not granted, objection being heard.

The following question was then put before the House. “Shall the bill be taken up for immediate consideration and read a first time?”

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 831**), and there were—yeas 56, nays 40, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the motion was adopted.

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

Messages from the Executive

The following communication from His Excellency, the Governor, was laid before the House of Delegates and reported by the Clerk:

Jim Justice
Governor of West Virginia

June 17, 2019

HOUSE EXECUTIVE MESSAGE NO. 2 2019 FIRST EXTRAORDINARY SESSION

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the "FY 2019 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019 First Extraordinary Session for the fiscal year ending June 30, 2019:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2019 Official Estimate Revised</u>
Business and Occupation Tax	\$124,500
Consumer Sales & Service and Use Tax	1,368,000
Personal Income Tax	2,092,000
Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax	179,700
Business Franchise Fees	670
Property Transfer Tax	13,000
Property Tax	6,900
Insurance Tax	128,500
Departmental Collections	23,600
Corporate Net Income Tax	206,038
Miscellaneous Transfers	1,000
Interest Income	26,000
Severance Tax	451,000
Miscellaneous Receipts	10,700
HB102 – Lottery Transfers	65,000
Special Revenue Transfers	13,250
Senior Citizen Tax Credit Reimbursement	10,000
Total General Revenue	<u>\$4,748,158</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$98 million on June 17, 2019. The changes include an increase in the Consumer Sales and Use Tax, Personal Income Tax, Business and Occupation Tax, Severance Tax, Corporate Net Income Tax, Insurance Tax and Interest Income.

The following amends and replaces the "FY 2020 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on January 9, 2019 as part of my Budget Document for the fiscal year ending June 30, 2020:

General Revenue Fund Statement of Revenues by Source (Expressed in Thousands)	
<u>Source of Revenue</u>	<u>FY 2020 Official Estimate Revised</u>
Business and Occupation Tax	\$123,000
Consumer Sales & Service and Use Tax	1,390,260
Personal Income Tax	2,154,880
Liquor Profit Transfers	21,000
Beer Tax and Licenses	7,600
Tobacco Products Tax	177,000
Business Franchise Fees	680
Property Transfer Tax	12,300
Property Tax	7,200
Insurance Tax	131,800
Departmental Collections	24,000
Corporate Net Income Tax	136,980
Miscellaneous Receipts	1,700
Interest Income	30,000
Severance Tax	376,800
Miscellaneous Receipts	11,000
HB102 – Lottery Transfers	65,000
Liquor License Renewal	29,000
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total General Revenue	<u>\$4,710,200</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2020 were revised upward by \$34.38 million on June 17, 2019. The changes include an increase in the Consumer Sales and Use Tax, Personal Income Tax and a decrease in the Severance Tax estimate related to legislation passed in the 2019 Regular Session.

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019 First Extraordinary Session for the fiscal years ending June 30, 2019 and June 30, 2020:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash Balance
(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2018	\$377,650,037
Less: 31 Day Disbursements (July 1, 2018 - July 31, 2018)	(42,888,978)
Plus: Prior Year Reimbursements (July 1, 2018 - July 31, 2018)	27,203
Less: Prior Year Appropriations Forwarded	(297,422,832)
Less: Cash Balance - Adjustments and Accruals	<u>(1,337,913)</u>
Accumulated Surplus from FY 2018 @ July 31, 2018	\$36,027,517
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(18,013,759)
Less: FY 2019 Surplus Appropriation (FY 2019 Budget Bill)	(13,765,000)
Plus: FY 2019 Supplementary Expiration to Surplus Balance (2019 1st Extraordinary Session) 05/2019	4,705,000
Less: FY 2019 Supplementary Surplus Appropriation (2019 1st Extraordinary Session) 05/2019	(4,705,000)
Less: Recommended FY 2019 Supplementary Surplus Appropriation (2019 1st Extraordinary Session)	(4,744,200)
Plus: Prior Year Reimbursements and Adjustments (August 1, 2018 – June 7, 2019)	<u>703,433</u>
Estimated Unappropriated Surplus Balance @ June 30, 2019	\$207,991
Plus: FY 2019 Revenue Estimate	\$4,439,920,000
Plus: FY 2019 Revision to Revenue Estimate (2019 Regular Session) 1/9/19	142,000,000
Plus: FY 2019 Revision to Revenue Estimate (2019 Regular Session) 3/5/2019	25,913,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	42,325,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 6/17/19	98,000,000
Less: FY 2019 Appropriations (FY 2019 Budget Bill) (2018 Regular Session)	(4,381,808,884)
Plus: FY 2019 Appropriations (FY 2019 Budget Bill) veto	0
Less: FY 2019 Supplementary Appropriations (2019 Regular Session)	(195,723,199)

2706	JOURNAL OF THE	[JUNE 18
Less:	FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(54,000,000)
Less:	Recommended FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(116,625,917)
	Estimated Unappropriated Balance from FY 2019 Activity @ June 30, 2019	\$0
Plus:	FY 2020 Revenue Estimate	\$4,675,820,000
Pus:	FY 2020 Revised Revenue Estimate as of 06/17/2019	34,380,000
Less:	FY 2020 Appropriations (FY 2020 Budget Bill) (2019 Regular Session)	(4,635,887,842)
Plus:	FY 2020 Appropriations (FY 2020 Budget Bill) veto	<u>5,372,000</u>
	Estimated Unappropriated Balance from FY 2020 Activity @ June 30, 2020	<u>\$79,684,158</u>
	Total Estimated Unappropriated Balance @ June 30, 2020	<u>\$79,892,149</u>

The following amends and replaces the "FY 2019 Official Estimate" "State Road Fund – Statement of Revenues by Source" which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019, First Extraordinary Session for the fiscal year ending June 30, 2019:

State Road Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2019 Official Estimate Revised</u>
Motor Fuel Tax	\$443,900
Registration	142,196
Sales (Privilege)	230,930
Litter	1,719
Less: Industrial Access Road Transfer	(3,000)
Miscellaneous Revenue	120,695
Federal Reimbursement	<u>471,500</u>
Total State Road	<u>\$1,407,940</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$50.2 million on June 17, 2019. The changes include an increase in the Miscellaneous Revenue estimate. The revision is reflected in the month of June.

State Road Fund
Statement of Revenues, Expenditures,
and Changes in Cash Balance
(Nearest Dollar)

Cash and Investment Balance - July 1, 2018	\$141,408,683
Plus: Revenue Estimate-FY 2019	1,303,740,000

2018]	HOUSE OF DELEGATES	2707
Plus:	FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	54,000,000
Plus:	FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 6/17/19	<u>50,200,917</u>
	Total Estimated Receipts and Balance	\$1,549,349,600
Less:	FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Highways	(\$1,308,400,000)
Less:	FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Motor Vehicles	(43,478,729)
Less:	FY 2019 Appropriations (FY 2019 Budget Bill) – Office of Administrative Hearings	(1,951,979)
Less:	Claims Against the State Road Fund (FY 2019 Budget Bill)	<u>(408,830)</u>
	Estimated Balance @ June 30, 2019	\$195,110,062
Plus:	Revenue Estimate – FY 2020	\$1,319,857,000
Less:	FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Highways	(1,334,315,083)
Less:	FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Motor Vehicles	(46,077,719)
Less:	FY 2020 Appropriations (FY 2020 Budget Bill) – Office of Administrative Hearings	(2,065,530)
Less:	Claims Against the State Road Fund (FY 2020 Budget Bill)	(1,703,146)
Less:	FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways 5/20/2019	(54,000,000)
Less:	FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways 6/17/2019	<u>(50,200,917)</u>
	Estimated Unappropriated Balance @ June 30,2020	<u>\$26,604,667</u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice,
Governor.

Bills Introduced

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

By Delegate Wilson:

H. B. 203 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, §18-5H-4, §18-5H-5, §18-5H-6, §18-5H-7, and §18-5H-8, all relating to the establishment and operation of experimental school zones; providing method by which an experimental school zone may be proposed; providing for an option by election of parents and school personnel; outlining requirements for transition to an experimental school zone; authorizing exemptions from law and policies in the operation of schools within the experimental

school zone; providing for open enrollment and student transfers; requiring students and parents to sign a commitment contract to meet minimum criteria in participation; providing for evaluation and renewal as well as reversion to standard school methodology and practice; authorizing additional financial support for demonstrated improvement in outcomes; and mandating the promulgation of rules to facilitate the provisions of this act”; to the Select Committee on Education Reform B.

By Delegates D. Jeffries, C. Martin, P. Martin, Graves, Phillips, Wilson, Steele and Bibby:

H. B. 204 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person over 21 years of age possess a valid permit to possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school”; to the Select Committee on Education Reform A.

By Delegate Bates:

H. B. 205 - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to reducing compensation of legislators during the First Extraordinary Session of 2019”; to the Committee on Finance.

Special Calendar

Third Reading

S. B. 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account; on third reading, coming up in regular order, was read a third time.

Delegate Fleischauer moved that the bill be postponed one day.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 832**), and there were—yeas 41, nays 55, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, P. Martin, McGeehan, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the motion to postpone the bill one day was rejected.

On the passage of the bill, the yeas and nays were taken (**Roll No. 833**), and there were—yeas 87, nays 9, absent and not voting 4, with the yeas and absent and not voting being as follows:

Nays: S. Brown, Diserio, Doyle, Evans, Hansen, McGeehan, Robinson, C. Thompson and Walker.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 834**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: S. Brown, Diserio, Hansen, Robinson and Walker.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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.

S. B. 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 835**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Hansen, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1017) passed.

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

On this question, the yeas and nays were taken (**Roll No. 836**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Hansen, Higginbotham and Sponaugle.

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.

S. B. 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 837**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Cowles, Fluharty, Higginbotham, Sponaugle and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1020) passed.

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

On this question, the yeas and nays were taken (**Roll No. 838**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1020) takes effect from its passage.

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

S. B. 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 839**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1021) passed.

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

On this question, the yeas and nays were taken (**Roll No. 840**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1021) takes effect from its passage.

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

S. B. 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 841**), and there were—yeas 90, nays 5, absent and not voting 5, with the yeas and absent and not voting being as follows:

Nays: Byrd, Lavender-Bowe, Pushkin, Robinson and Walker.

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Shott and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1023) passed.

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

On this question, the yeas and nays were taken (**Roll No. 842**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Shott and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1023) takes effect from its passage.

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

S. B. 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 843**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Hanna, McGeehan and Porterfield.

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Pyles and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 844**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1024) takes effect from its passage.

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

S. B. 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019; on third reading, coming up in regular order, was read a third time.

Delegates Walker and Rodighiero requested to be excused from voting on S. B. 1025 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

On the passage of the bill, the yeas and nays were taken (**Roll No. 845**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Foster and Hardy.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1025) passed.

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

On this question, the yeas and nays were taken (**Roll No. 846**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1025) takes effect from its passage.

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

S. B. 1027, Adding new items and increasing existing items to various accounts; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 847**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1027) passed.

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

On this question, the yeas and nays were taken (**Roll No. 848**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Malcolm.

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Maynard and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1027) 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.

S. B. 1038, Supplemental appropriation to DHHR, Division of Health's Central Office; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 849**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Cadle, Fast, Harshbarger, Jennings, Kessinger, P. Martin, Porterfield and Rohrbach.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1038) passed.

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

On this question, the yeas and nays were taken (**Roll No. 850**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Cadle, Fast, Jennings, P. Martin and Porterfield.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1038) takes effect from its passage.

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

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 851**), and there were, including pairs—yeas 87, nays 10, absent and not voting 3, 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: Higginbotham Nay: Hanna

Nays: Doyle, Fleischauer, Hansen, Hornbuckle, Kump, Phillips, Pyles, Staggers and Walker.

Absent and Not Voting: Cowles, Fluharty and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 113) passed.

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

Second Reading

Delegate Summers asked and obtained unanimous consent that all bills on second reading be advanced to third reading with amendments pending and with the general right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 120, Supplementary appropriation to the Department of Transportation; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 134, Increasing annual salaries of public school teachers and school service personnel; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 144, West Virginia Business Ready Sites Program; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 158, Improving education by requiring the state board to establish rules for student accountability regarding performance; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 159, Relating to information technology access for the blind and visually impaired; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 160, Ron Yost Personal Assistance Services Act; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 161, Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 162, Removing antiquated, redundant, or expired provisions of the code for the administration of education; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 163, Removing sections of code relating to administration of education; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 174, Increasing and promoting school innovation and flexibility; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 192, Removing certain fees for teaching; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 193, Relating to a statewide school personnel job bank; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 206, Relating to public education; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cowles, Fluharty, Higginbotham and Sponaugle.

Miscellaneous Business

Delegate Pyles announced that he was absent today when the vote was taken on Roll No. 843, and that had he been present, he would have voted "Yea" thereon.

At 2:42 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, June 19, 2019.

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

SPECIAL CALENDAR

Wednesday, June 19, 2019

9th Day

11:00 A. M.

THIRD READING

[BILLS ON THIRD READING HAVE THE RIGHT TO AMEND]

- H. B. 120 - Supplementary appropriation to the Department of Transportation
- H. B. 132 - Supplementing and amending existing items of appropriations to the Department of Agriculture
- H. B. 134 - Increasing annual salaries of public school teachers and school service personnel
- H. B. 144 - West Virginia Business Ready Sites Program
- H. B. 146 - Establishing and funding of substance use disorder treatment and recovery facilities
- 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. 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. 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
- Com. Sub. for H. B. 158 - Improving education by requiring the state board to establish rules for student accountability regarding performance
- H. B. 159 - Relating to information technology access for the blind and visually impaired
- H. B. 160 - Ron Yost Personal Assistance Services Act
- H. B. 161 - Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority
- Com. Sub. for H. B. 162 - Removing antiquated, redundant, or expired provisions of the code for the administration of education
- H. B. 163 - Removing sections of code relating to administration of education
- Com. Sub. for H. B. 174 - Increasing and promoting school innovation and flexibility
- Com. Sub. for H. B. 192 - Removing certain fees for teaching
- Com. Sub. for H. B. 193 - Relating to a statewide school personnel job bank
- H. B. 206 - Relating to public education

SECOND READING

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

HOUSE CALENDAR

Wednesday, June 19, 2019

9th Day

11:00 A. M.

NO BILLS

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, JUNE 19, 2019

HOUSE CONVENES AT 11:00 A.M.

**PUBLIC HEARING
SELECT COMMITTEE ON EDUCATION REFORM C
8:00 A.M. – HOUSE CHAMBER
H. B. 206, RELATING TO PUBLIC EDUCATION.**

**COMMITTEE ON RULES
10:45 A.M. – BEHIND CHAMBER**

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