

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



May 4, 2017
FIRST DAY

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First Extraordinary Session

Charleston, Thursday, May 4, 2017

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the third day of May, 2017, and hereinafter set forth, convening the Legislature in Extraordinary Session on the fourth day of May, 2017, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston, and at 11:00 a.m., was called to order by the Speaker, the Honorable Tim Armstead.

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

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 606**), and 96 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: N. Foster, Hill, C. Miller and R. Romine.

Messages from the Executive

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

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

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at eleven a.m. on the fourth day of May, Two Thousand Seventeen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: A bill relating to taxation, including: reducing number of classifications and rates of personal income tax as of January 1, 2018; providing phase-out of personal income tax and specifying triggering events; exempting military retirement from personal income tax after specified date; increasing rate of corporate net income tax as of specified date; increasing rate of consumers sales and service tax as of specified date and exemptions related thereto; imposing temporary additional income tax on persons with West Virginia taxable incomes of \$300,000 or more as of specified date; imposing graduated rate severance tax on privilege of producing coal as of specified date; imposing graduated rate severance tax on privilege of producing natural gas sale, profit or

commercial use as of a specified date; increasing rate of tax credit for qualified rehabilitation expenditures on historical structures;

SECOND: A bill increasing the State Road Fund by raising DMV fees and motor fuel excise taxes;

THIRD: A bill relating generally to the West Virginia Parkway Authority;

FOURTH: A bill increasing teacher salaries;

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this third day of May, in the year of our Lord, Two Thousand Seventeen, and in the One Hundred Fifty-Fourth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

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

Whereupon,

The Speaker appointed as members of such committee:

Delegates Harshbarger, Rowan and Hartman.

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

Whereupon,

The Speaker appointed as members of such committee:

Delegates Summers, Frich and Lynch.

At 11:35 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 4:00 p.m.

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Afternoon Session

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Message from the Senate

A message from the Senate, by

Senators Boso, Cline and Jeffries, announced that the Senate had assembled with a quorum present, and was ready to proceed with the business of this session.

Bills Introduced

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

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

H. B. 101 – “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to raising the salary for classroom teachers”; to the Committee on Finance.

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

H. B. 102 – “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-7-2 of said code; to amend and reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend said code by adding thereto a new section, designated §17A-10-3c; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding for the State Road Fund by increasing Division of Motor Vehicles administrative fees and motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from 20.5 cents to 25 cents per invoiced gallon of motor fuel and on each gallon equivalent for alternative fuel; increasing the minimum average wholesale price of motor fuels for purposes of the five percent variable fuel tax as of specified date; deleting superfluous language relating to floorstocks; increasing Division of Motor Vehicles administrative fees, including increasing fees for various documents, records, registrations, certificates, titles, liens, releases, transfers, cards, stickers, decals, licenses and plates; requiring payment of certain fee for each attempt at the written and road skills test; increasing said administrative Division of Motor Vehicles fees every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; imposing annual registration fee for certain alternative fuel vehicles; and specifying effective dates”; to the Committee on Finance.

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

H. B. 103 – “A Bill to repeal §17-16A-18a, §17-16A-23 and §17-16A-30 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-16A-1, §17-16A-5, §17-16A-6, §17-16A-10, § 17-16A-11, §17-16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22 and §17-16A-29 of said code; to amend said code by adding thereto a new section, designated §17-16A-11a; to amend and reenact §17-16D-3 of said code; to amend said code by adding thereto a new section, designated §17A-2-25; to amend and reenact §17A-3-7 of said code; and to amend said code by adding thereto a new section, designated §17A-10-17, all relating generally to the West Virginia Parkways Authority;

defining terms; adding the power of the authority to study, investigate and evaluate, and, if feasible, develop and implement a single fee program, including promulgate rules; adding the power of the authority to impose in connection with any single fee program a flat fee in connection with any or all certificates of passenger motor vehicle registration and renewal thereof by the Division of Motor Vehicles; adding the power of the authority to enter into reciprocal toll enforcement agreements; creating and designating a special revenue account within the State Road Fund known as the State Road Construction Account; authorizing the deposit of proceeds of parkway revenue bonds to the State Road Construction Account; requiring that priority consideration be given to construction, maintenance and repair of public highways and bridges in certain counties within the state when determining expenditures from the State Road Construction Account; creating and designating a special revenue account within the State Treasury known as the West Virginia Parkways Authority Single Fee Program Fund; clarifying notice and public meeting requirements and procedures; clarifying the power of the Parkways Authority to fix rates or tolls for Corridor L toll collection facility; expanding the authority of the Parkways Authority to issue revenue bonds or refunding revenue bonds for parkways' projects and for the West Virginia Turnpike; eliminating approval by county commissions and establishment by Governor of local committees prior to approval of any parkway project; authorizing electronic toll collection and enforcement of tolls on roads, highways and bridges; adding the power of the Division of Motor Vehicles to act as collection agent for the authority under any single fee program; expanding the grounds for refusing to register a motor vehicle; ability to charge a fee for the single fee program, and creating a misdemeanor offense"; to the Committee on Finance.

By Delegate Miley

[By Request of the Executive]:

H. B. 104 – "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto two new sections, designated §11-13A-3f and §11-13A-3g; to amend and reenact §11-15-3, §11-15-9, §11-15-9b and §11-15-9h of said code; to amend said code by adding thereto a new section, designated §11-15-3d; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-21-8a and §11-21-8e of said code; to amend said code by adding thereto three new sections, designated §11-21-4g, §11-21-4h and §11-21-12j; to amend and reenact §11-24-23a of said code; to amend said code by adding thereto a new section, designated §11-24-4c, all relating generally to taxation; imposing graduated rate severance tax on privilege of producing coal as of specified date; imposing graduated rate severance tax on privilege of producing natural gas as of specified date; increasing rate of consumers sales and service tax as of specified date; imposing tax on telecommunication services and ancillary telecommunication services as of specified date; eliminating certain exemptions from consumers sales and service tax as of specified date; increasing rate of use tax as of specified date; reducing number of classifications and rates of personal income tax as of January 1, 2018; providing for phase-out of personal income tax and specifying triggering event; imposing temporary additional income tax on persons with West Virginia taxable incomes of \$300,000 or more as of specified date; exempting military retirement income from personal income tax after specified date; increasing amount of credit allowed against personal and corporation net income taxes for qualified rehabilitation expenditures made after specified date; temporarily increasing rate of corporation net income tax; and making technical corrections in various sections."

On motion of Delegate Cowles, reference of the bill (H. B. 104) to a committee was dispensed with, and it was taken up for immediate consideration and read a first time.

Delegate Cowles moved, pursuant to the provisions of House Rule 103, that H. B. 104 be rejected on First Reading.

The Speaker propounded, "Shall the bill be rejected?"

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

The yeas and nays having been ordered, they were taken (**Roll No. 607**), and there were—yeas 59, nays 36, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: N. Foster, Hill, C. Miller, C. Romine and R. Romine.

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

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted N. Foster, Hill, C. Miller and R. Romine.

At 5:20 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, May 5, 2017.

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MAY 5, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215E**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
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