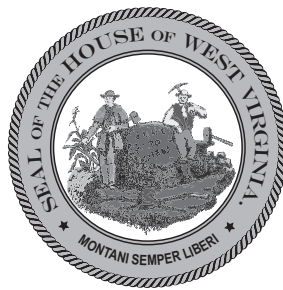


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



June 9, 2017

FIFTEENTH DAY

Friday, June 9, 2017

FIFTEENTH DAY

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

The House of Delegates met at 1:00 p.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, June 8, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Senate

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, of

S. B. 1014, Relating generally to physician assistants.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title as follows:

S. C. R. 103 – “Suspending the provisions of Joint Rule 3, relating to committees of conference and reports relative thereto.”

Resolved by the Legislature of West Virginia, two thirds of the members present and voting in each house agreeing thereto:

That pursuant to Rule 25 of the Joint Rules of the Senate and House of Delegates, the provisions of Joint Rule 3 are suspended; the committee of conference on the disagreeing votes of the two houses, as to Engrossed Committee Substitute for House Bill 107 (*Relating generally to the Tax Reform Act of 2017*), is hereby extended until Tuesday, June 13, 2017; and upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the committee of conference may be further extended for a period not to exceed one day.

At the request of Delegate O’Neal, and by unanimous consent, reference of the resolution (S. C. R. 103) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegate O’Neal moved to amend the resolution on page one, by striking out everything following the resolving clause, and inserting in lieu thereof the following:

“That pursuant to Rule 25 of the Joint Rules of the Senate and House of Delegates, the provisions of Joint Rule 3, paragraph (b) are suspended, as follows: The committee of conference on the disagreeing votes of the two houses as to Engrossed Committee Substitute for House Bill 107 (*Relating generally to the Tax Reform Act of 2017*), is hereby extended until Tuesday, June 13, 2017;

and upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the committee of conference may be further extended for a period not to exceed one day.”

On adoption of the amendment, Delegate Folk demanded the yeas and nays, which demand was not sustained.

The amendment was then adopted.

The question now being on the adoption of the resolution, as amended, the yeas and nays were taken (**Roll No. 640**), and there were—yeas 58, nays 24, absent and not voting 18, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Butler, Dean, Fluharty, Folk, Frich, Gearheart, Harshbarger, Hill, Isner, Kessinger, Lovejoy, Martin, Maynard, McGeehan, Paynter, Robinson, Rodighiero, Sponaugle, Summers, Thompson, Walters and Ward.

Absent and Not Voting: Bates, Blair, Cowles, Ellington, A. Evans, N. Foster, Hollen, Hornbuckle, Householder, Marcum, Moore, Phillips, Queen, Shott, Westfall, White, Wilson and Zatezalo.

So, two thirds of the members present and voting having voted in the affirmative, the Speaker declared the resolution (S. C. R. 103) adopted.

On motion of Delegate O’Neal, the title of the resolution was amended to read as follows:

S. C. R. 103 – “Suspending the provisions of Joint Rule 3, paragraph (b), relating to extending the conference committee as to Com. Sub. for H. B. 107, Relating generally to the Tax Reform Act of 2017.”

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

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. 111, Relating generally to tax procedures and administration.

Bills Introduced

A bill was introduced, pursuant to House Rule 92, and referred as follows:

By Delegates Sobonya, Overington, Harshbarger, Ward, Walters, Arvon, Frich, Martin, Kessinger, Wilson and Summers:

H. B. 121 – “A Bill to amend and reenact §29-22-16 of the Code of West Virginia, 1931, as amended, relating to the disposition of unclaimed prize money; requiring unclaimed prize money be deposited into the General Revenue Fund”; to the Committee on the Judiciary then Finance.

House Calendar

Second Reading

Com. Sub. for H. B. 117, Relating to West Virginia Health Care Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

On this question, the yeas and nays were taken (**Roll No. 641**), and there were—yeas 81, nays 1, absent and not voting 18, with the nays and absent and not voting being as follows:

Nays: Deem.

Absent and Not Voting: Bates, Blair, Cowles, Ellington, A. Evans, N. Foster, Hollen, Hornbuckle, Householder, Marcum, Moore, Phillips, Queen, Shott, Westfall, White, Wilson and Zatezalo.

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

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

Delegates Boggs, Criss, Hartman, Atkinson and C. Miller requested to be excused from voting on the passage of Com. Sub. for H. B. 117 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 642**), and there were—yeas 80, nays 2, absent and not voting 18, with the nays and absent and not voting being as follows:

Nays: Deem and Upson.

Absent and Not Voting: Bates, Blair, Cowles, Ellington, A. Evans, N. Foster, Hollen, Hornbuckle, Householder, Marcum, Moore, Phillips, Queen, Shott, Westfall, White, Wilson and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 117) passed.

Delegate O'Neal moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 643**), and there were—yeas 80, nays 2, absent and not voting 18, with the nays and absent and not voting being as follows:

Nays: Deem and Howell.

Absent and Not Voting: Bates, Blair, Cowles, Ellington, A. Evans, N. Foster, Hollen, Hornbuckle, Householder, Marcum, Moore, Phillips, Queen, Shott, Westfall, White, Wilson and Zatezalo.

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. 117) takes effect from its passage.

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

Leaves of Absence

At the request of Delegate O'Neal, and by unanimous consent, leaves of absence for the day were granted Delegates Bates, Blair, Cowles, Ellington, A. Evans, N. Foster, Hollen, Hornbuckle, Householder, Marcum, Moore, Phillips, Queen, Shott, Westfall, White, Wilson and Zatezalo.

Miscellaneous Business

Delegate Espinosa noted to the Clerk that he was absent on Wednesday, May 24, 2017, when the votes were taken on Roll Nos. 630, 631, 633 and 634, and that had he been present, he would have voted "Yea" thereon.

At 2:47 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, June 12, 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**

SATURDAY, JUNE 10, 2017

**CONFERENCE COMMITTEE ON COM. SUB. FOR HB 107
10:00 A.M. – HOUSE FINANCE 460-M**

MONDAY, JUNE 12, 2017

HOUSE CONVENES AT 11:00 A.M.

**CONFERENCE COMMITTEE ON COM. SUB. FOR HB 107
9:00 A.M. – HOUSE FINANCE 460-M**

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