

West Virginia Legislature

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HOUSE of DELEGATES

Eighty-Third Legislature
First Extraordinary Session

Held at Charleston
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May 5, 2017
SECOND DAY

Friday, May 5, 2017

SECOND DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 608**), and 98 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: R. Romine and Westfall.

The Clerk proceeded to read the Journal of Thursday, May 4, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Bills Introduced

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

By Delegates Baldwin, Miley, Bates, Fluharty, Fleischauer, Marcum, R. Miller, Brewer, Robinson, Love and Hartman:

H. B. 105 - "A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days that members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted"; to the Committee on Finance.

At 11:36 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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Messages from the Senate

A message from the Senate, by

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

S. B. 1004 - "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 said code by adding thereto a new section, designated §11-24-4c; and to amend and reenact §11-24-23a of said code, 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.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1004) 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.

Delegate Byrd then moved that the bill be committed to the Committee on Finance.

Delegate Walters moved that the bill be postponed indefinitely.

Whereupon,

Delegate Walters asked and obtained unanimous consent that his motion be withdrawn.

During debate on the motion to commit the bill to the Committee on Finance, points of order were twice raised regarding the content of remarks by Delegates.

The Speaker reminded those Members to confine their remarks to the question before the House.

The question being on the motion to commit the bill to the Committee on Finance, Delegate Byrd demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 609**), and there were—yeas 34, nays 58, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Thompson and Williams.

Absent and Not Voting: Caputo, Deem, Diserio, Fast, R. Miller, R. Romine, Sponaugle and Statler.

So, a majority of the members present and voting not having voted in the affirmative, the motion was rejected.

The motion before the House now being the motion to reject the bill, the Speaker propounded, “Shall the bill be rejected?”

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

The yeas and nays having been ordered, they were taken (**Roll No. 610**), and there were, including pairs—yeas 59, nays 34, absent and not voting 7, 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: Fast Nay: Lovejoy

Nays: Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lynch, Marcum, Miley, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Thompson, White and Williams.

Absent and Not Voting: Caputo, Deem, Diserio, R. Miller, R. Romine, Sponaugle and Statler.

So, a majority of the members present and voting having voted in the affirmative, the motion that the bill be rejected on First Reading was adopted.

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 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. 101 – “Providing for an adjournment of the Legislature until May 15, 2017.”

Resolved by the Legislature of West Virginia:

That when adjournment is taken by the two houses of the Legislature at the close of their respective sessions on May 5, 2017, such adjournment shall be until 11 a.m. on May 15, 2017, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia, unless called prior to that time by the Speaker of the House of Delegates and the President of the Senate.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 101) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate R. Romine.

Miscellaneous Business

Delegate C. Romine noted to the Clerk that he was absent on Thursday, May 4, 2017, when the vote was taken on Roll No. 607, and that had he been present, he would have voted "Yea" thereon.

Pursuant to S. C. R. 101, at 6:18 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, May 15, 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**

MONDAY, MAY 15, 2017

HOUSE CONVENES AT 11:00 A.M.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
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