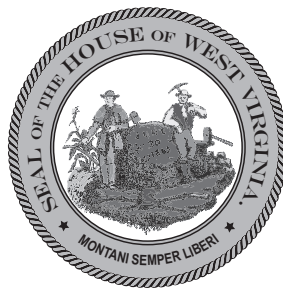


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



May 17, 2017
FIFTH DAY

Wednesday, May 17, 2017

FIFTH 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. 613**), and 91 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Bates, Caputo, A. Evans, N. Foster, Hicks, Hill, Marcum, Miley and Moore.

The Clerk proceeded to read the Journal of Tuesday, May 16, 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 the passage by the Senate, to take effect July 1, 2017, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1007 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f; to amend and reenact §11-15-2, §11-15-3, §11-15-9, §11-15-9b and §11-15-9h of said code; to amend said code by adding thereto two new sections, designated §11-15-3d and §11-15-3e; to amend and reenact §11-15A-2 and §11-15A-10 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; and to amend and reenact §11-24-23a of said code, all relating generally to the Tax Reform Act of 2017; imposing graduated rate severance tax on privilege of producing coal as of specified date and defining certain terms; 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; imposing tax on digital code and digital products as of specified date; eliminating certain exemptions from consumers sales and service tax as of specified date; providing consumers sales and service tax exemption for services of professional employer organizations; 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; 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 building rehabilitation expenditures made after specified date; establishing limitations on carryback and carryforward of credit for qualified building rehabilitation expenditures; and making technical corrections in various sections"; which was referred to the Committee on Finance.

At 11:44 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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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

At 4:21 p.m., on motion of Delegate Cowles, the House of Delegates recessed until the conclusion of Remarks of His Excellency, the Governor.

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Afternoon Session

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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 106, Relating generally to the furlough of public employees during declared fiscal emergency,

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

Com. Sub. for H. B. 106 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new Chapter designated as §6D-1-1, §6D-1-2, §6D-1-3, §6D-1-4, §6D-2-1, §6D-2-2, §6D-3-1, §6D-3-2, §6D-4-1 and §6D-4-2, all relating generally to conditions triggered by failure of the Governor to approve a budget; an emergency appropriation to pay for essential government functions and expenses which must stay in operation and paid for during a temporary shutdown of government services created by the absence of budget bill for a fiscal year; setting forth legislative intent; defining terms; providing the terms, conditions, and limitations of the emergency appropriation; setting forth conditions of furlough of state employees generally; requiring the Board of Public Works to meet and approve plans for the furloughing of employees of the Executive Branch if a budget has not been approved by a certain date and specifying certain employees exempt from furlough; permitting the furlough of state employees generally; specifically, permitting the President of the Senate and Speaker of the House to institute furloughs of certain legislative employees, including employees of the State Senate, the House of Delegates, and employees of the Legislative Auditor and Joint Committee on Government and Finance; permitting Governor and Board of Public Works to furlough certain state employees in the Executive Branch; and authorizing Supreme Court of Appeals to furlough employees and personnel of Supreme Court of Appeals and personnel of circuit courts, family courts and magistrate courts.”

With the recommendation that the committee substitute do pass.

Delegate Hill was present during the afternoon session.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Bates, Caputo, A. Evans, N. Foster, Hicks, Marcum, Miley and Moore.

At 4:46 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, May 18, 2017.

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

SPECIAL CALENDAR

Thursday, May 18, 2017

6th Day

11:00 A. M.

FIRST READING

Com. Sub. for H. B. 106 - Relating generally to the furlough of public employees during declared fiscal emergency (SHOTT) (EFFECTIVE FROM PASSAGE)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, MAY 18, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 460M**

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

HOUSE OF DELEGATES
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Building 1, Room M-212
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