

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017

Charleston, West Virginia, Wednesday, January 11, 2017

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the eleventh day of January, two thousand seventeen, for the first annual session of the eighty-third Legislature.

The Senate met in its chamber at 12 o'clock Noon.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable Donna J. Boley, a senator from the third senatorial district, being the oldest member present in point of continuous service.

Prayer was offered by the Reverend Dr. Ken Krimmel, West Virginia Conference, United Methodist Church.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

The Honorable Natalie E. Tennant, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the eighth day of November, two thousand sixteen, for members of the Senate for the State of West Virginia.

CANDIDATES FOR STATE SENATOR
FOR THE STATE OF WEST VIRGINIA
APPEARING TO HAVE BEEN ELECTED
NOVEMBER 8, 2016

First Senatorial District: Ryan W. Weld, of the County of Brooke;

Second Senatorial District: Michael J. Maroney, of the County of Marshall;

Third Senatorial District: Donna J. Boley, of the County of Pleasants;

Third Senatorial District: Michael T. Azinger, of the County of Wood;

Fourth Senatorial District: Mitch Carmichael, of the County of Jackson;

Fifth Senatorial District: Robert H. Plymale, of the County of Wayne;

Sixth Senatorial District: Chandler Swope, of the County of Mercer;

Seventh Senatorial District: Richard N. Ojeda II, of the County of Logan;

Eighth Senatorial District: Glenn D. Jeffries, of the County of Putnam;

Ninth Senatorial District: Sue Cline, of the County of Wyoming;

Tenth Senatorial District: Kenny Mann, of the County of Monroe;

Eleventh Senatorial District: Gregory L. Boso, of the County of Nicholas;

Twelfth Senatorial District: Douglas E. Facemire, of the County of Braxton;

Thirteenth Senatorial District: Roman W. Prezioso, Jr., of the County of Marion;

Fourteenth Senatorial District: Randy E. Smith, of the County of Tucker;

Fifteenth Senatorial District: Craig Blair, of the County of Berkeley;

Sixteenth Senatorial District: Patricia Puertas Rucker, of the County of Jefferson;

Seventeenth Senatorial District: Corey Palumbo, of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, two thousand sixteen.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Azinger, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Leonhardt, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld and Woelfel.

Thirty-two present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the

Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia; Ryan W. Weld, of the County of Brooke; Michael J. Maroney, of the County of Marshall; Donna J. Boley, of the County of Pleasants; Michael T. Azinger, of the County of Wood; Mitch Carmichael, of the County of Jackson; Robert H. Plymale, of the County of Wayne; Chandler Swope, of the County of Mercer; Richard N. Ojeda II, of the County of Logan; Glenn D. Jeffries, of the County of Putnam; Sue Cline, of the County of Wyoming; Kenny Mann, of the County of Monroe; Gregory L. Boso, of the County of Nicholas; Douglas E. Facemire, of the County of Braxton; Roman W. Prezioso, Jr., of the County of Marion; Randy E. Smith, of the County of Tucker; Craig Blair, of the County of Berkeley; Patricia Puertas Rucker, of the County of Jefferson; and Corey Palumbo, of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the election of a President,

For that office, Senator Blair nominated the Honorable Mitch Carmichael, of the County of Jackson; seconded by Senator Trump.

On motion of Senator Prezioso, nominations for the office of President were closed.

On motion of Senator Ferns, Senator Carmichael was elected President of the Senate by acclamation.

Whereupon, the Chair appointed Senators Ferns, Blair and Prezioso a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Carmichael qualified as President, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

Senator Carmichael (Mr. President) assumed the Chair and addressed the Senate as follows:

MR. PRESIDENT: Thank you, thank you for granting me the privilege of serving you in the state's most renowned, deliberative body, the West Virginia Senate. I am truly honored. I am deeply humbled. And I am inspired to assist you in your efforts to revolutionize West Virginia.

President John F. Kennedy said, "Change is the law of life. And those who look only to the past are certain to miss the future." We can learn much from these words. Our time as lawmakers is limited. If we spend these precious moments we have during this 60-day session dwelling on the past, we will miss our chance to define West Virginia's future. With a historic election, the citizens of West Virginia have firmly secured a two-party system for this great state. They have overwhelmingly validated a bold, pro-growth agenda. The voters chose quite clearly to trust in a new direction and to take the next step toward prosperity. All of us agree that citizens want, need and deserve jobs in a growing economy. This important goal deserves our full effort and our attention. So, let us not focus on matters that separate and divide us into categories. For united – we will succeed in bringing prosperity to our citizens. And divided – our efforts will fail.

I see in this Senate a unique opportunity for a new beginning. For each senator gathered in this chamber today, there are thousands of people depending on you to shape a brighter future. We must never forget that the people we should serve the most are sometimes the people society has served the least. We must take care of our children. We must protect our seniors. And we must honor our veterans.

Abraham Lincoln once said, "You cannot escape the responsibility of tomorrow by evading it today." And perhaps no group of senators in our state's history has more responsibility on its shoulders than does this group today. My fellow senators, our state is in trouble. There is no way to sugar coat it or to make it sound less unpleasant. Our citizens have the lowest per capita income in America and are among the poorest in the country; West Virginia does have the lowest workforce participation rate in our nation; our coal industry has been decimated; and a drug abuse crisis of epic proportion is destroying families and killing our young people. We are the only state to have lost population over the last 50 years. These and other failing statistics portray a state in desperate need of a new direction. Now, all of that sounds pretty hopeless, doesn't it? However, as Dale Carnegie said, "Most of the important things in the world have been accomplished by people who have kept on trying when there seemed to be no hope at all."

And I am asking you today to keep on trying for West Virginia. Our citizens and this state are worth the fight. The problems that confront us transcend partisan solutions. And I believe that each of you chose to become a senator because you want to chart a course for progress and to do the right thing. And, while by the very nature of the political system we may differ on what is meant by "the right thing", I have no doubt that whether you are a Republican or whether you are a Democrat, you are here because your love of the State of West Virginia and serving its people is your guiding star.

In his State of the Union address in 1985, President Ronald Reagan said, "We believe faith and freedom must be our guiding stars, for they show us truth, they make us brave, give us hope, and leave us wiser than we were." Ladies and gentlemen, the work we undertake this legislative session will not be for the faint of heart. It will display our bravery. And fellow senators, when we see the benefits of our work in more jobs, better schools and a stronger economy, it will give people hope. The experiences we share as we work together to make these changes will bind us as brothers and sisters and leave us wiser than we were.

We, in this room, in this Senate, in this year, can change the course of history for the families and precious citizens of West Virginia.

And so, against the voices that seek to weaken our resolve through threats of special-interest groups, let us remember the unemployed worker striving for the dignity of wages to feed his family – and gain our strength.

And against those who wish to slow our pace with the burden of the status quo, let us imagine the hopelessness of a person who is addicted to drugs – in need of a goal with a positive future – and gain our strength.

And against those seeking to dampen our spirits and concerns about the next election, let us realize that doing the right thing carries its own reward; that a clear conscience is priceless – and gain our strength.

Ladies and gentlemen of the Senate and honored guests, each new Legislature begins with an optimistic vision for crafting the policies that will launch this state on an exciting path of

progress and prosperity. Perhaps now, more than ever before, does the bright sunshine of opportunity pervade the halls of our state capitol. I firmly believe that the Eighty-Third West Virginia Senate, of which each of you are such a vital part, offers the best potential in more than 80 years to correct the fundamental problems that cause our economy to be stagnant, jobs to be scarce and our population to decline.

These are exciting times to be a West Virginian. A new President of the United States is poised to lift the heavy boot of federal over-regulation from the neck of West Virginia, which will enable our workers to again provide necessary energy resources and their by-products to our state, nation and world. Our new Governor-Elect is committed to jobs. And my hope is that every citizen of our great state will seize this moment with unbridled enthusiasm and an immediate sense of urgency. This is an incredible time for our state with amazing progress just beyond the horizon.

My fellow senators, the theme of this Eighty-Third West Virginia Senate must be jobs. There is a value to a job that goes beyond a paycheck. There is dignity. There is honor. And the self-worth of contributing to the good of society and setting an example for one's children. People engaged in careers with responsibility and goals will ultimately solve our budget crisis and many of our social ills.

So our primary task is to structure a system that enables the private sector creation of jobs. To accomplish this goal, we have much to do in a limited timeframe. The precious citizens of West Virginia desperately await our action.

You are not here by accident. Each of you has been blessed with a unique mix of talent and ability that is perfectly suited for this moment in history. Poets capture moments such as this with words that make our hearts soar. And for me, a verse from a poem by Edwin Markham perfectly captures the beginning of this Eighty-Third West Virginia Legislature with these words: The task given to each one, no other can do, so the errand has waited; it's waited through the ages for you, and now you appear; and the hushed ones are turning their gaze, to see what you will do with your chance in the chamber of days.

My fellow senators, these are our days. My fellow senators, this is our moment. This is our chamber. The errand is waiting – West Virginia needs jobs, opportunity, hope and progress. And millions of people are turning their gaze to see what you will do with this once-in-a-lifetime chance. Ours is a destiny that makes us brothers and sisters. None of us goes this way alone. Into these fateful days, we journey together.

May God bless each of you and grant that our efforts are worthy of his calling. And may God bless the precious State of West Virginia.

Thank you.

At the request of Senator Ferns, and by unanimous consent, the foregoing acceptance remarks by Senator Carmichael (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Sypolt nominated the Honorable Clark S. Barnes, of the County of Randolph; seconded by Senator Prezioso.

On motions of Senator Prezioso, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Barnes.

The President then announced the vote and declared that Mr. Barnes, having received all the votes cast, had been unanimously reelected Clerk of the Senate.

Whereupon, Mr. Barnes qualified as Clerk, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator Ferns nominated the Honorable Andrew Palmer, of the County of Kanawha; seconded by Senator Palumbo.

On motions of Senator Prezioso, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Palmer.

The President then announced the vote and declared that Mr. Palmer, having received all the votes cast, had been unanimously elected Sergeant at Arms of the Senate.

Whereupon, Mr. Palmer qualified as Sergeant at Arms, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator Gaunch nominated the Honorable Jeffrey L. Branham, of the County of Kanawha; seconded by Senator Boso.

On motions of Senator Prezioso, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Branham.

The President then announced the vote and declared that Mr. Branham, having received all the votes cast, had been unanimously elected Doorkeeper of the Senate.

Whereupon, Mr. Branham qualified as Doorkeeper, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-third Legislature,

The first organizing resolution was then offered, Senator Ferns submitting the following:

Senate Resolution 1—Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate be adopted as follows and shall govern the proceedings of the Senate during the eighty-third Legislature, subject to amendment as provided in the rules:

RULES OF THE SENATE

QUORUM

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called.

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

OFFICERS

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. If at any time the President is obligated to act as Governor pursuant to Article VII, Section 16 of the Constitution of West Virginia, the Senate shall immediately elect one of its remaining members to serve as Acting President. The Acting President shall act and serve at all times when the duly elected President is acting as Governor and shall perform all of the duties of the office of Senate President without limitation, including any duties imposed by the Constitution of West Virginia, any statute, the Senate Rules and any adopted Joint Rules of the Senate and House of Delegates, and he or she shall receive the compensation and expenses of the President of the Senate as provided in article two-a, chapter four of the Code of West Virginia. The Acting President shall not be in the line of succession to act as Governor under the provisions of Article VII, Section 16 of the Constitution of West Virginia. The majority vote of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be recorded in the Journal.

4. The President of the Senate or Acting President shall appoint a President *pro Tempore*, who, during the absence of the President or Acting President, if any, shall preside and perform all the duties of the President.

5. The presiding officer may call a member to the chair who shall perform the duties of the chair until the presiding officer returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a chair of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by these rules or by the Joint Rules of the Senate and House of Delegates.

ORDER OF BUSINESS AND PROCEDURE

7. The order of business of the Senate shall be:

1. To read, correct and approve the Journal.
2. Introduction of guests.
3. To dispose of communications from the House of Delegates and the Executive.
4. To receive reports from standing committees.
5. To receive reports from select committees.
6. To receive bills, resolutions, motions and petitions.
7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
8. Senate and House bills and joint resolutions on third reading.
9. Senate and House bills and joint resolutions on second reading.
10. Senate and House bills and joint resolutions on first reading.
11. Introduction of guests.
12. Remarks by members of the Senate.
13. Miscellaneous business.

8. Every member desiring to speak shall stand in his or her own place, address the presiding officer and, upon being recognized, shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The presiding officer may recognize the member by name; but no member in debate or remarks shall designate another by name.

~~9. If the question in debate contains several points, any member may have the same divided~~
Any member may call for a division of any question before the vote thereon is taken, if it comprehend propositions so distinct in substance that, one being taken away, a substantive proposition will remain for the decision of the Senate, but the member calling for the division of a question shall state in what manner it shall be divided. ~~On A motion to strike out and insert, it shall not be in order to move for a division of the question is not divisible.~~

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the presiding officer. The presiding officer, after calling a member to assume the chair, the mover of the question, the chair of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.

13. While the presiding officer is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

BILLS AND RESOLUTIONS

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by two-thirds vote of the members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

15. Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock meridian on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "By Request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

15a. Prior to any committee reporting a bill to the floor, any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required, which shall conform to the requirements as to form and content as prescribed by the Clerk.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

15b. Upon the introduction of any legislation which has a potential impact on the state's economy, the presiding officer may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, West Virginia University and Marshall University, a review of the proposed legislation for purposes of preparing a "Jobs and Wages Impact Statement". Any such statement shall be based on generally accepted methodology and shall conform to the requirements as to form and content as prescribed by the Clerk: *Provided*, That the Clerk shall prescribe that all Jobs and Wages Impact Statements shall include an analysis of both the jobs that are projected to be gained or lost if the legislation is adopted and any wage impact associated with the projected job changes, including wage increases or decreases in existing jobs, wages of jobs lost, wages of new jobs and the net impact on wages.

The phrase "Jobs and Wages Impact Statement" or the initials "JWS" must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. No act is void or voidable if it does not contain a "Jobs and Wages Impact Statement" even when requested.

16. All concurrent and simple resolutions when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

18. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced,

it shall be received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be made available, with the proposed committee amendments on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by majority vote of the members present. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the Committee on Rules.

19. All bills shall be read on three different days, unless in case of urgency, by four-fifths vote of the members present, taken by yeas and nays, on each bill, this rule be dispensed with. Joint resolutions proposing amendments to the Constitution of West Virginia shall be read on three different days which readings shall not be suspended.

20. All engrossed bills shall be fully and distinctly read when put upon their passage.

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been made available to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by majority vote of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by two-thirds vote of those present, establish a period of time known as "Bill Reading Docket".

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill or resolution, the presiding officer immediately after the report of said committee is read shall put the question, "Shall the bill be rejected?" or "Shall the resolution be rejected?" which question shall have precedence over all motions, except a motion to adjourn.

24. A bill or joint resolution shall be amended only on second reading: *Provided*, That after the passage of a bill or adoption of a joint resolution, amendments to its title may be offered. When a bill or joint resolution is being read for amendment, it shall be read section by section on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill or joint resolution to be engrossed and ordered to third reading and on ordering a House bill or joint resolution to third reading. If a Senate bill or joint resolution should be ordered to its engrossment and third reading, and amendments

thereto have been made, the bill or joint resolution shall be changed to conform to the amendments and become the engrossed bill or joint resolution. If no amendments are made, the original bill or joint resolution may be ordered to its third reading and shall become the engrossed bill or joint resolution. All Senate bills or joint resolutions so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill or joint resolution is finally passed or adopted, the date of its passage or adoption and the signature of the Clerk. If a Senate bill or joint resolution should be passed or adopted by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill or joint resolution shall be enrolled by the Clerk. Enrolled Senate bills shall be delivered to the Joint Committee on Enrolled Bills. In the case of a House bill or joint resolution on second reading if the same be amended, the amendment or amendments shall be noted in full and attached to the bill or joint resolution at the proper place by the Clerk before the bill or joint resolution is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the presiding officer shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays.

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative majority vote of all the members elected to the Senate shall be necessary.

COMMITTEES

27. At the commencement of each Legislature, the following standing committees shall be appointed and shall consist of the number of members indicated in the parentheses following the name of the committee:

1. On Agriculture and Rural Development (11).
2. On Banking and Insurance (13).
3. On Confirmations (9).
4. On Economic Development (14).
5. On Education (14).
6. On Energy, Industry and Mining (13).
7. On Enrolled Bills (5).
8. On Finance (17).
9. On Government Organization (14).
10. On Health and Human Resources (13).
11. On Interstate Cooperation (7).

12. On the Judiciary (17).
13. On ~~Labor~~ the Workforce (11).
14. On Military (9).
15. On Natural Resources (13).
16. On Pensions (7).
17. On Rules (11); (the presiding officer of the Senate is to be ex officio chair).
18. On Transportation and Infrastructure (9).

28. All standing committees shall be appointed by the President. The President shall designate the chair of each standing committee and may also designate a vice chair of any standing committee.

The chair of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a yea and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The chair of each standing committee shall, upon request, make the record of any yea and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such yea and nay vote was taken.

The several standing committees may report bills, resolutions, amendments, or any proposal originating therein, as well as committee substitutes for Senate bills, resolutions, or other proposals, which may be referred to additional committees. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor. Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be recorded in the Journal.

On the adjournment of each session of the Legislature, the chair of the respective committees shall deliver to the Clerk of the Senate the record book herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

28a. Every committee shall have authority, upon its own motion adopted by a majority of the members present and voting, to administer oaths to any witness appearing before the committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the Senate, and the Senate may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena, the witness may be questioned by the chairman and members of the committee. The Clerk of the Senate, the chairman of the committee and, in the absence of the chairman, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

29. The presiding officer shall refer bills and resolutions introduced, and such other matters as the presiding officer shall deem appropriate, to standing or select committees.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by majority vote of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only by majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the presiding officer shall leave the chair and appoint a member to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded in the Journal of the Senate, except so far as reported to the Senate by the chair of the committee.

34. Any bill, resolution or business may, by majority vote of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the Committee on Rules under authority of Rule No. 17 may by two-thirds vote of the members present be withdrawn from the Committee on Rules.

DECORUM AND DEBATE

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for

words spoken in debate if any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the presiding officer is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the Chamber. When a member is addressing the presiding officer, no one shall entertain private discourse or pass between the member and the presiding officer.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the presiding officer does not.

38a. Smoking and the use of other tobacco products shall be prohibited in the Chamber.

38b. The use of electronic devices in the Chamber shall be limited to official legislative business when at all possible and any such devices shall be muted at all times.

38c. Proper business dress attire shall be worn by all those admitted to the floor of the Chamber while the Senate is in session, which includes a coat and tie for men.

MOTIONS

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.
3. To lay on the table.
4. For the previous question.

5. To suspend the constitutional rule requiring bills to be read on three different days.
6. To recess.

41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RECONSIDERATION OF VOTE

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. Any member may make the motion to reconsider, when the yeas and nays have not been taken. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been adopted, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

VOTING

43. Every member within the Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. A member may raise an inquiry to the presiding officer regarding whether he or she should not vote or should be excused from voting on a particular matter, but the member may still be required to vote. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted. No members may pair on any question.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days; on setting the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of West Virginia; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by the House; on all questions where a specific vote is required by the Constitution of West Virginia, the Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the presiding officer shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be recorded in the Journal. When the yeas and nays are recorded in the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yea or nay, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical order; excepting, however, the name of the presiding officer, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be recorded in the daily Journal. A member may have his or her vote explanation recorded in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment *sine die*. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation recorded later in the bound Journal.

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any

mistake committed in enrolling his or her name. The vote then shall be announced and the count recorded in the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question, including quorum calls. When the machine is used for quorum calls, a member shall indicate "present" by use of the green "yea" button.

When using the voting machine, the presiding officer shall announce the question to be voted upon and direct the Clerk to prepare the machine. The presiding officer shall then state, "The members will now vote." After reasonable time has been given for all members to vote, the presiding officer shall ask, "Have all members voted?" The presiding officer shall then direct the Clerk to close the machine and ascertain the result. The presiding officer shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the presiding officer: *Provided*, That any vote cast after the machine has been closed shall be stated by the presiding officer as having been cast and such shall be recorded in the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine.

MESSAGES

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates at any time.

47. Messages may be received in any stage of business except when the presiding officer is reporting or putting a question or while the yeas and nays are being taken. Messages and reports received by the Clerk, which do not require action by the Senate, shall be considered received by the Senate and filed with the Clerk and shall be recorded in the Journal.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

JOURNAL

49. The Journal of the Senate shall be daily prepared by the Clerk and shall be read, corrected and approved the succeeding day. It shall be published under the supervision of the Clerk and made available to the members without delay. After the Journal has been approved and fully marked for corrections, regular bound volumes of the Journal from the type so corrected shall be printed. In addition thereto six copies shall be printed with a certificate at the end thereof signed by the presiding officer and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound and bear the imprint on the back, "Official Journal of the Senate of West Virginia", with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one

copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

ABSENCE OF MEMBERS

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

POWER OVER MEMBERS

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the matter is examined by the Committee on Rules and reported to the Senate, unless by order of the presiding officer.

52. The Senate may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense.

POWER OVER OTHERS

53. The Senate may punish by imprisonment any person not a member for disrespectful behavior in its presence, for obstructing any of its officers in the discharge of their duties, or for any assault, threat or abuse of any member for words spoken in debate, but such imprisonment shall not extend beyond the termination of the session.

GUESTS AND PRIVILEGE OF THE FLOOR

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers, employees and interns engaged in the proper discharge of their duties shall be admitted to the floor of the Chamber while the Senate is in session. The rear or east balcony of the Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the presiding officer and the member seeking admission of the guest.

LOBBYING

55. No person, not a member of the Senate, shall, when the Senate is in session, seek in any manner whatsoever, including electronic communications, to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

NOMINATIONS AND CONFIRMATIONS

56. Unless the Senate directs otherwise by majority vote of the members present, when nominations shall be made in writing to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination shall be forthwith certified in a formal communication signed by the presiding officer and attested by the Clerk.

57. The phrase "next meeting of the Senate" contained in Article VII, Section 9 of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened for the purpose of electing a presiding officer.

CONSTITUTIONAL AMENDMENT

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate.

ADJOURNMENT

59. When the Senate adjourns each day, it shall stand adjourned to 11 o'clock A.M. the next day, unless the Senate directs otherwise by majority vote of the members present, and every member shall keep his or her seat until the presiding officer leaves the chair.

AMENDING RULES

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred, without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by majority vote.

SUSPENSION OF RULES OR ORDERS

61. Unless there be unanimous consent, no standing rule or order of the Senate shall be suspended except by two-thirds vote of the members present.

PARLIAMENTARY PROCEDURE

62. In all cases not provided for by the Rules of the Senate or any adopted Joint Rules of the Senate and House of Delegates, the Senate shall be governed by *Jefferson's Manual and Rules of the House of Representatives of the United States Congress* and practices thereunder.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Ferns, the Senate recessed for five minutes for the purpose of making introductions.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Ferns, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to permit the Senators to have members of their families as guests during today's session.

Senator Ferns then offered the following resolution:

Senate Resolution 2—Raising a committee to notify the House of Delegates the Senate has assembled and completed its organization.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled, with a quorum present, organized by the election of the Honorable Mitch Carmichael as President and Mr. Clark S. Barnes as Clerk, and is ready to proceed with the business of this regular session.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Whereupon, the President appointed as members of such committee, the following:

Senators Azinger, Smith and Woelfel.

Subsequently, Senator Azinger reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Sobonya, Arvon and Moye, announced that the House of Delegates has assembled, with a quorum present, organized by the reelection of the Honorable Tim Armstead as Speaker, and Mr. Stephen J. Harrison as Clerk, and is ready to proceed with the business of this first regular session of the eighty-third Legislature.

Senator Ferns then offered the following resolution:

Senate Resolution 3—Raising a committee to inform the Governor that the Legislature is organized.

Resolved by the Senate:

That a committee of three on the part of the Senate, to join with a committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that the Legislature has assembled in regular session and organized by the election of officers as required by the Constitution and is ready, with a quorum of each house present, to proceed with the business of this session and to receive any communication or message he may desire to present.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Whereupon, the President appointed as members of such committee, the following:

Senators Weld, Rucker and Palumbo.

A message from the House of Delegates, by

Delegates Atkinson, Rowan and Rowe, announced that the Speaker had appointed them a committee of three to join with the similar committee on the part of the Senate under the provisions of Senate Resolution 3 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Weld reported that the joint Senate and House committee had performed the duty assigned to it.

Senator Hall offered the following resolution:

Senate Resolution 4—Relating to the mailing of bills and journals.

Resolved by the Senate:

That during the regular and any extraordinary sessions of the eighty-third Legislature the Clerk of the Senate is hereby authorized to have mailed from the Senate document room copies of bills and daily journals of the Senate; the expenses of such mailing, including postage, to be paid out of the contingent fund of the Senate by the Auditor of West Virginia, in advance of the appropriation therefor, under requisition drawn by the Clerk of the Senate.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senator Hall offered the following resolution:

Senate Resolution 5—Authorizing the appointment of permanent and per diem employees for the First Regular Session of the Eighty-Third Legislature and payment of their compensation.

Resolved by the Senate:

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-third Legislature, and any extension thereof as follows:

Up to Thirty Class I secretaries at a rate of seventy dollars per diem to one hundred dollars per diem;

Three Class II secretaries at a rate of seventy-five dollars per diem to one hundred dollars per diem;

Five legislative analysts at a rate of seventy-five dollars per diem to two hundred dollars per diem;

Up to ten legal counselors at a rate of two hundred dollars per diem to two hundred eighty dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One bill and journal clerk to the Senate Clerk at a rate of seventy dollars per diem to one hundred dollars per diem;

Four proofreaders at a rate of seventy-five dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty dollars per diem;

Two assistants to the Sergeant at Arms at a rate of sixty-five dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Five assistants to the Doorkeeper at a rate of sixty-five dollars per diem to one hundred dollars per diem;

Three mail clerks at a rate of sixty dollars per diem to one hundred dollars per diem;

One night custodian at a rate of sixty-five dollars per diem to seventy-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

Further Resolved, That the appointment of salaried full-time employees of the Senate for the year two thousand seventeen and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk	7,416.67
Assistant Clerk	5,416.67
Executive Secretary to Clerk	3,000.00
Fiscal Officer	5,075.00
Fiscal Officer	5,075.00
Technical Support	4,416.67
Deputy Clerk	4,419.10

Chief Desk Clerk	4,998.79
Chief Journal Clerk.....	4,331.60
Bill Clerk.....	2,916.67
Clerk to Minor Committees	3,071.60
Counsel to Minor Committees	6,666.67
Counsel to President	8,750.00
Executive Assistant to President	3,250.00
Legislative Analyst to President.....	3,412.50
Secretary to President.....	2,500.00
Director of Communications	6,212.50
Counsel to Majority Leader.....	7,291.67
Parliamentarian	4,750.00
Analyst to Majority Leader	3,041.67
Counsel to Minority Leader.....	6,666.67
Counsel to Education Committee	7,288.67
Budget-Policy Analyst to Finance Committee	6,081.60
Budget Analyst to Finance Committee	3,587.50
Assistant to Finance Chairman/Clerk	3,281.60
Counsel to Government Organization	6,500.00
Clerk to Government Organization Committee	3,062.50
Secretary to Government Organization Committee	3,387.48
Counsel to Health and Human Resources Committee.....	6,803.25
Clerk to Health and Human Resources Committee	2,666.67
Counsel to Judiciary Committee	7,291.67
Clerk/Analyst to Judiciary Committee	3,000.00
Assistant to Judiciary Committee.....	3,062.50

Secretary/Clerk to Energy, Industry and Mining.....	2,916.67
Supervisor, Materials & Supplies.....	4,299.16
Purchasing & Procurement Clerk	3,563.35
Custodian.....	2,187.85

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senators Carmichael (Mr. President), Ferns and Prezioso offered the following resolution:

Senate Concurrent Resolution 1—Adopting joint rules of the Senate and House of Delegates

Resolved by the Legislature of West Virginia:

That the joint rules of the Senate and House of Delegates to be adopted as follows and shall govern the proceedings of the eighty-third Legislature, subject to amendment as provided in the standing rules of the Senate and the House of Delegates:

Joint Assembly

1. Whenever there shall be a joint assembly of the two houses, a brief account of the proceedings shall be entered upon the Journal of each house, except in the joint assembly for counting votes for state officers.

Joint Assembly to Open and Publish Election Returns

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant at Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening

and publishing of the returns of the elections for State officers, held on the _____ day of _____ . The Speaker of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate and officers thereof to take seats assigned to them, and after announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and the highest number of votes for the same office, the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by Article VII, Section 3 of the Constitution of West Virginia.

Disagreement and Conference

3. (a) Whenever a measure of one house is amended in the other and the house in which it originated shall refuse to concur in the amendment, the house amending the measure may either insist or recede therefrom. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. If said house refuses to concur, the other house may either recede from or insist upon its amendment, and a motion to recede shall take precedence of a motion to insist. The motion to lay on the table or to postpone indefinitely shall not be in order in respect to the motion to recede from or to insist.

A motion to recede having failed shall be equivalent to the adoption of a motion to insist and shall be so entered upon the Journal. A motion to insist being decided in the negative shall be equivalent to the adoption of a motion to recede and shall be so entered upon the Journal. If the motion to insist prevails, the house so insisting shall request a committee of conference on the subject of disagreement and shall appoint a committee therefor. The other house may thereupon appoint such committee. Unless a different number is agreed upon, such conference committee shall consist of five members from each house.

Such committee shall consider and report upon only the subject matter of the amendment or amendments which were in disagreement, with necessary consequential changes. The committee shall meet at a convenient time, to be agreed upon by their Chairs, and upon notifying all conferees of the time and place of any such meeting, and having conferred freely, shall report to their respective houses the result of the conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house which refused to concur, and there acted upon; and such action, with the papers referred, shall be immediately reported by the Clerk to the other house. In case of disagreement, the papers shall remain with the house in which the measure originated. If an agreement is reached, the report shall be made and signed in duplicate by at least a majority of the conferees from each house, one of the duplicates being retained by the conferees of each house.

(b) With respect to any conference agreed to within the first fifty-one days of a regular session, the conference committee shall report to each house within seven days of agreement to conference or be discharged, except that upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the presiding officer of each house may extend the conference not to exceed an additional three days. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

With respect to any conference agreed to after the fifty-first-day of a regular session, or any time during any extraordinary session, the conference committee shall report to each house within three days after agreement to conference or be discharged, except that such conference may be extended by concurrent resolution duly adopted by a majority of those present and voting in each house, for a period not to exceed one additional day. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

Any conference committee which fails to report within the time limits established by this rule shall be deemed to be discharged, and the papers referred shall remain with the house in which the measure originated.

Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.

Nothing herein shall affect the right of the presiding officer of either house to appoint or discharge any conference committee as heretofore provided, such right to appoint and discharge such committee being subject to the rules of each respective house.

The provisions of subsection (b) above shall not apply to the Budget Bill.

Messages Between the Houses

4. When a message is sent by one house to the other, it shall be communicated by the Clerk thereof to the Clerk of the house to which it is sent, but no message shall be received during a call of the roll. The Clerk of one house may communicate a message to the Clerk of the other at any time, ~~and any message so sent shall be received by the house to which it is sent whenever it may be in session.~~

Bill Processing

5. (a) Legislation recommended by the Governor or by executive departments or agencies is requested to be filed in the respective Clerks' offices, and a copy sent to Legislative Services, no later than the tenth day of each regular session of a Legislature.

(b) No bill or joint resolution shall be considered on third reading in its house of origin after the fiftieth day, unless authorization shall be granted by a concurrent resolution adopted by a two-thirds vote of the members present of both houses: *Provided*, That the Budget Bill, or any salary or supplementary appropriation bills, may be considered at any time.

(c) This rule may be suspended by adopting a concurrent resolution approved by a two-thirds majority of those present and voting in each house. A house desiring to suspend this rule may adopt a concurrent resolution and proceed as if the concurrent resolution had been adopted in both houses and the rule suspended. Any bill or joint resolution passed pursuant to such concurrent resolution may be communicated to the other house with the concurrent resolution or at any time after the concurrent resolution has been communicated to the other house. The other house may proceed to consider such bill or joint resolution only after adopting the concurrent resolution. The provisions of this rule shall not apply to any extended regular session or to any extraordinary session.

Processing of Bills Authorizing the Promulgation of Proposed Legislative Rules; Duplication and Distribution of Proposed Legislative Rules.

5a. A “bill authorizing the promulgation of proposed legislative rules” or a “bill of authorization” is a measure intended to be enacted as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

(1) The requirement of either house that bills shall be presented in duplicate applies to bills authorizing the promulgation of proposed legislative rules, but does not apply to the proposed legislative rule which the bill incorporates by reference. Of the duplicate copies, only the designated original copy shall have appended thereto the full text of the proposed legislative rule as finally approved by the agency seeking permission for its promulgation. Other copies of the full text of the proposed legislative rule shall be made available to members of the Legislature as hereinafter provided.

(2) Copies of the full text of each proposed legislative rule shall be reproduced by printing or duplication by the Clerk prior to, or as soon as is reasonably practicable after, the introduction of the bill which would authorize by law the promulgation of the proposed legislative rule. Prior to such printing or duplication, a notation shall be affixed to the proposed legislative rule which identifies the bill number of the introduced bill which would authorize its promulgation and which also identifies the committee or committees of the house to which the bill is to be referred by the presiding officer following its introduction. Otherwise, the copies printed or duplicated shall conform to the copy of the proposed legislative rule appended to the original bill, so as to facilitate the consideration and amendment of the rule throughout the legislative process.

(3) The Clerk shall furnish to any member, upon his or her request, without cost, one copy of the full text of a proposed legislative rule as reproduced by the Clerk in accordance with the provisions of subsection (2) of this Joint Rule. For any request for an additional copy or copies of the proposed legislative rule, the member requesting the copy or copies shall pay to the Clerk, in advance, a charge which the Clerk has reasonably determined to be adequate to cover the actual cost of the printing or duplication: *Provided*, That the provisions herein for the Clerk to furnish a member with an additional copy or copies, with a cost charged, may not interfere with or delay the prompt and otherwise timely consideration of bills of authorization by the house or its committees or subcommittees.

(4) Whenever the standing rules of either house require the printing or reprinting of a bill, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no printing or reprinting of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required, other than the printing required by subsection (2) of this Joint Rule.

(5) Whenever the standing rules of either house require a bill to be read, or fully and distinctly read, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no reading of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required.

One House to Notify Other of Rejection of Bill

6. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be sent to the house in which the same shall have been passed.

Record of Bills and Resolutions

7. The Clerks of the two houses shall keep separate records or registers, in which shall be recorded every action taken by the Senate and House on each bill and resolution.

Clerks to Endorse Bills or Resolutions

8. The Clerks of the two houses shall endorse on each bill or resolution a statement of any action taken by their respective bodies.

Messages to be in Writing

9. Messages to either house of the action of the other shall be in writing, signed by the Clerk of the house sending the message.

Each House to Have Control of Own Printing

10. Each house may order the printing of documents without the consent of the other.

Joint Committees

11. Joint standing committees of the Senate and House shall be appointed as follows:

(1) *Joint Committee on Enrolled Bills* — To consist of five members from each house.

(2) *Joint Committee on Joint Rules* — To consist of the presiding officers and two members of each house, to be appointed by the presiding officers.

(3) *Joint Committee on Pensions and Retirement* —

(a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement

Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers of the Senate and the House of Delegates, respectively, may be members of the same political party.

(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:

(1) Studying retirement benefit plans applicable to nonfederal government employees in the State of West Virginia, including, without limitation, federal plans available to such employees;

(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;

(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;

(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and

(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a cochair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.

When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from members of the other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or notes, gathered by members meeting separately from the other house shall be sent to the cochair of the other house if it is considering the same or similar legislation.

12. Other joint committees may be created by concurrent resolution or by approval of the presiding officers of each house.

Engrossed Bills to Be Filed with Clerk of the House

13. All engrossed bills passed by, and joint and concurrent resolutions adopted by, both houses shall be filed with the Clerk of the House of Delegates to be kept with the rolls of the Legislature and to be used in printing and publishing the Acts of the Legislature.

Joint Committee on Enrolled Bills

14. The Joint Committee on Enrolled Bills shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each house, whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions. It shall be in order for the Joint Committee on Enrolled Bills to report at any time.

Printing Enrolled Bills

15. After a bill has been passed by both houses, the text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the text has been so corrected, not less than fifty copies of the bill shall be printed. One of the copies, when properly authenticated, shall become the Enrolled Bill. In the case of enrolled bills authorizing the promulgation of a proposed legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule are not to be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended is the copy of the bill filed with the Secretary of State in accordance with the provisions of Rule 19 of these Joint Rules.

Authentication of Enrolled Bills

16. Enrolled Bills shall be authenticated by the signature of the Chair of the House Committee and the Chair of the Senate Committee, composing such Joint Committee on Enrolled Bills, but in the absence of such Chair another member of the committee may act in his stead, and they shall require all bills and joint resolutions before such authentication to be free from interlineations or erasures and destroy any previous enrollment containing any interlineations or erasures. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the presiding officer of each house.

Presenting Enrolled Bills to Governor

17. After a bill shall have thus been signed in each house, it shall be presented by the Joint Committee on Enrolled Bills to the Governor, for his approval. The said committee shall report the day of presentation to the Governor, which time shall be entered on the Journal of each house.

Record of Enrolled Bills

18. It shall be the duty of the Clerk of the House of Delegates, as Keeper of the Rolls of the Legislature, to keep a record book of all bills presented to the Governor for his approval. The title and number of each bill presented to the Governor shall be entered in this book, and when a bill is presented to the Governor, the date presented and the signature of the Governor, showing receipt of same, shall be entered at the side of each title.

Action of Governor on Bills

19. When the Legislature is in session, any bill, including an appropriation bill or any part thereof, disapproved by the Governor shall be returned to the house in which it originated, with objections thereto, within five days after receipt thereof, Sundays excepted, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved bill, other than an appropriation bill, within such time, it shall be filed by the Governor in the office of the Secretary of State with objections within fifteen days, Sundays excepted, after adjournment, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved appropriation bill or any part thereof, it shall be filed by the Governor in the office of the Secretary of State with objections within five days after adjournment, or become a law. When any bill, including an appropriation bill or any part thereof, is disapproved after adjournment of the Legislature and such bill with the Governor's objections is filed in the office of the Secretary of State within the prescribed time as aforesaid, the Governor shall notify the house in which the bill originated.

Every bill approved by the Governor shall, within the prescribed time after it is presented, as aforesaid, be filed by the Governor in the office of the Secretary of State and the fact of such approval communicated by the Governor to the house in which said bill originated.

Any bill which shall be neither approved nor disapproved by the Governor shall immediately, after the expiration of the time fixed by the Constitution of West Virginia in which he may disapprove the same, be filed in the office of the Secretary of State, who shall forthwith engross thereon a certificate to the following effect: "I certify that the foregoing act, having been presented to the Governor for approval, and not having been returned to the house of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law without approval." and shall date and sign the same. The Governor shall notify the house in which the bill originated of each bill becoming a law without his approval.

When a bill is returned to either house of the Legislature with the objections of the Governor, proceedings thereon shall be governed by Article VII, Section 14 of the Constitution of West Virginia. In such cases the Clerk of the Senate and the Clerk of the House of Delegates shall engross the action, if any, of their respective houses on the reconsideration of the bill and sign the same.

The action of the Governor on all bills presented shall be appropriately noted in the Journals of the two houses.

Joint Meetings of Committees

20. Whenever any bill has been referred by the Senate to one of its standing committees, and the same or like bill has been referred by the House to one of its committees, the Chairs of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, may arrange for a joint meeting of their committees for the consideration of such bill. All joint committee meetings shall be presided over by the Chair of the Senate committee.

What Shall Be Printed in the Journal

21. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, the titles of all bills and the title and text of all resolutions.

(b) A record of all votes taken by yeas and nays as required by the Constitution of West Virginia, the rules of the respective houses and these rules; and a brief statement of the contents of each petition, memorial or paper presented to each house.

(c) A true and accurate account of the proceedings of each house.

Manner of Printing the Journal and Bills

22. In printing the daily Journal of the proceedings of each house there shall be printed at the top of each page, except the first, the date of the Journal; and on the last page of each day's Journal shall be printed the calendar for the next day.

At the top of the first page of each bill, preceding the title and number thereof, there shall be printed the name of the person by whom, or the committee by which, it was introduced and the date of introduction; and at the top of each page, except the first, shall be printed the number of the bill.

Regulation and Use of Legislative Offices, Chambers, Halls, Stairways and Corridors

23. The presiding officer of each house shall have power to assign and regulate the office space in the portions of the Capitol used by their respective houses and to grant permission for the use of such space and the legislative Chambers for other than legislative purposes. They shall also have jurisdiction over all halls, stairways and corridors in the areas used by their respective houses. The presiding officers may submit any question or request arising under the foregoing provisions of this rule to the Committee on Rules of their respective houses for determination and action.

The area on the second floor between the legislative Chambers and surrounding the rotunda on the second floor shall be under the jurisdiction of the Joint Committee on Rules. It shall be the duty of this committee to maintain and preserve the aesthetic features of this area of the Capitol. No display or exhibition of any material or objects in this area shall be permitted without approval of the committee.

Attaching pictures, posters, cards or placards on the walls in any manner whatsoever in the halls, stairways and corridors in the areas used by the respective houses and in the area between the legislative Chambers surrounding and to the east and west of the rotunda is prohibited.

Resolutions

24. Resolutions requiring concurrent action may originate in either house and shall be of two kinds, namely:

Joint Resolutions: These resolutions shall be used for proposing amendments to the Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the Constitution of West Virginia shall be adopted as provided in Article XIV, Section 2 of said Constitution.

Concurrent Resolutions: Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

Suspension of Joint Rules

25. Joint Rules may only be suspended by a two-thirds vote of each house taken by yeas and nays, or by unanimous consent.

Transfer of Appropriations Between Items

26. The Clerk of the Senate, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the Senate in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

27. The Clerk of the House of Delegates, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the House of Delegates in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

28. The Clerk of the Senate and the Clerk of the House of Delegates, with the approval of the presiding officers, are authorized to make a joint written request to the State Auditor for the transfer of amounts between items of the total appropriations for joint expenses of the Legislature in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

Governing Powers

29. The presiding officers of each house, as selected in accordance with the Constitution of West Virginia, the Rules of the Senate, the Rules of the House of Delegates, respectively, these Joint Rules and laws of the State, shall have the power to and are hereby authorized to act on behalf of the Legislature as required by the business and legal affairs of the Legislature unless otherwise directed by a majority vote of both houses while the Legislature is in session or by the majority vote of the Joint Committee on Government and Finance while the Legislature is not in session.

Receipt of Constitutional Petitions and Resolutions

30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the

House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

An application or petition to reform, alter or modify a county commission filed with the Legislature on or after the tenth day of a regular legislative session may not be processed or considered by the Legislature until the next regular legislative session.

An application or petition to reform, alter or modify a county commission filed with the Legislature is only valid for the session in which it was processed and such application or petition not acted upon during that session is null and void.

If an application or petition to reform, alter or modify a county commission filed with the Legislature is determined by the Legislature to have an unconstitutional provision, then the Legislature may: (a) Request that the application or petition be corrected and resubmitted; or (b) make changes necessary to meet the constitutional objection. A corrected application or petition may be processed by the Legislature if there is sufficient time remaining in the session for full consideration. If any request by the Legislature to correct an application or petition prevents full consideration of that application or petition during the session in which it would have been considered, the Senate and the House of Delegates may process the corrected application or petition at the next regular session.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senators Carmichael (Mr. President), Hall and Prezioso offered the following resolution:

Senate Concurrent Resolution 2—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-third Legislature.

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the eighty-third Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 1—Raising a Joint Assembly to open and publish election returns.

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:45 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 8th day of November.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

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

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 2—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 2:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Sobonya, Arvon and Moye.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Ferns, Boley and Prezioso.

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

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 3—Providing for an adjournment of the Legislature until February 8, 2017.

Whereas, The first regular session of the 83rd Legislature assembled on this date, the second Wednesday in January, 2017, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 8th day of November, 2016, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

Resolved by the Legislature of West Virginia:

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 8, 2017, at 12 o'clock meridian.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senator Carmichael (Mr. President) announced appointment of the standing committees of the Senate for this first session of the eighty-third Legislature and, at the request of Senator Ferns, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

STANDING COMMITTEES OF THE SENATE

2017

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Rucker (*Vice Chair*), Cline, Leonhardt, Mann, Maynard, Smith, Beach, Miller, Ojeda and Woelfel.

BANKING AND INSURANCE

Senators Gaunch (*Chair*), Azinger (*Vice Chair*), Hall, Leonhardt, Mann, Maroney, Mullins, Swope, Facemire, Palumbo, Prezioso, Romano and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Ferns (*Vice Chair*), Azinger, Blair, Boso, Gaunch, Miller, Plymale and Prezioso.

ECONOMIC DEVELOPMENT

Senators Maroney (*Chair*), Maynard (*Vice Chair*), Blair, Boso, Cline, Mann, Smith, Swope, Takubo, Jeffries, Miller, Stollings, Romano and Woelfel.

EDUCATION

Senators Mann (*Chair*), Karnes (*Vice Chair*), Azinger, Boley, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger.

ENERGY, INDUSTRY AND MINING

Senators Smith (*Chair*), Sypolt (*Vice Chair*), Blair, Boley, Boso, Cline, Gaunch, Mullins, Swope, Facemire, Jeffries, Ojeda and Woelfel.

ENROLLED BILLS

Senators Maynard (*Chair*), Azinger, Gaunch, Palumbo and Prezioso.

FINANCE

Senators Hall (*Chair*), Mullins (*Vice Chair*), Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger.

GOVERNMENT ORGANIZATION

Senators Blair (*Chair*), Gaunch (*Vice Chair*), Boso, Leonhardt, Maroney, Smith, Sypolt, Takubo, Weld, Facemire, Jeffries, Miller, Palumbo and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Takubo (*Chair*), Maroney (*Vice Chair*), Azinger, Karnes, Leonhardt, Rucker, Trump, Weld, Palumbo, Plymale, Prezioso, Stollings and Unger.

INTERSTATE COOPERATION

Senators Cline (*Chair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo and Unger.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Cline, Ferns, Karnes, Leonhardt, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel.

MILITARY

Senators Weld (*Chair*), Boley (*Vice Chair*), Azinger, Cline, Leonhardt, Sypolt, Facemire, Ojeda and Palumbo.

NATURAL RESOURCES

Senators Maynard (*Chair*), Boso (*Vice Chair*), Cline, Karnes, Rucker, Smith, Sypolt, Takubo, Beach, Facemire, Prezioso, Stollings and Woelfel.

PENSIONS

Senators Gaunch (*Chair*), Hall (*Vice Chair*), Boso, Mullins, Weld, Plymale and Unger.

RULES

Senators Carmichael (*Chair*), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Plymale, Prezioso and Stollings.

TRANSPORTATION AND INFRASTRUCTURE

Senators Boso (*Chair*), Swope (*Vice Chair*), Gaunch, Maroney, Maynard, Rucker, Beach, Jeffries and Plymale.

WORKFORCE

Senators Swope (*Chair*), Weld (*Vice Chair*), Boso, Karnes, Mullins, Rucker, Smith, Beach, Jeffries, Ojeda and Stollings.

The President then announced the appointment of Senator Ferns, of the County of Ohio, as the majority leader of the Senate;

Senator Prezioso, of the County of Marion, as the minority leader of the Senate;

Senator Blair, of the County of Berkeley, as the majority whip of the Senate;

Senator Palumbo, of the County of Kanawha, as the minority whip of the Senate;

And,

Senator Boley, of the County of Pleasants, as President *pro Tempore* of the Senate.

The hour of 1:45 p.m. having arrived, that being the time set for the joint assembly to open and publish state election returns (under the provisions of H. C. R. 1, previously adopted by the Senate) and to hear the address of His Excellency, the Governor.

On motion of Senator Ferns, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

The address of His Excellency, the Governor, the Honorable Earl Ray Tomblin, delivered in the joint assembly, was as follows, as provided electronically by the Governor's office:

**GOVERNOR TOMBLIN'S MESSAGE TO THE FIRST ANNUAL SIXTY-DAY
SESSION OF THE EIGHTY-THIRD LEGISLATURE, 2017**

Mr. Speaker, Mr. President, members of the Board of Public Works, justices of the Supreme Court of Appeals, members of the Legislature, distinguished guests, and my fellow West Virginians.

I stand before you today, after six years in the Governor's office and 42 years in this grand statehouse, with a deep sense of gratitude and reflection and an equally profound hope for West Virginia's future.

Public service has anchored my life's work—from a young 22-year-old in this very House chamber, to a desk across the hall in the State Senate, the Senate President's podium for 17 years and now as your 35th Governor.

It has been the greatest honor—and the greatest reward—to serve the people of this state that we all love. Together, we have put West Virginia first and moved our state forward—even in the midst of tough times, including far-reaching economic shifts, budgetary challenges and historic natural disasters.

West Virginians are strongest in the toughest times. We come together. We lift each other up. And we don't just hope for a better future; we fight for it.

ECONOMIC DIVERSIFICATION & JOB CREATION

Working hard is exactly what we've done over the past six years to create new economic opportunities for the Mountain State.

We have all seen the dramatic impact of the coal industry's decline in our state. We've seen thousands of jobs lost. Families and communities struggling. People beginning to lose hope.

But I believe in—and have fought to reach—the light around the corner.

Shortly after becoming Governor, I pledged to go anywhere and meet with anyone to grow our state's economy. Across West Virginia, the country and the globe, we have succeeded.

Last year, global giant Procter & Gamble announced it would build its first U.S. manufacturing facility since the 1970s right here in West Virginia in the Eastern Panhandle. This will ultimately be a half-billion dollar investment in the Mountain State and result in hundreds of new jobs.

P&G chose our state after an exhaustive search of many others. And as numerous companies have discovered, I know they will find it to be the best decision they've ever made.

Toyota Motor Manufacturing West Virginia, which recently celebrated its 20th anniversary, has expanded continuously—nine times, in fact.

Today, Toyota employs more than 1,600 people. And the company has invested \$1.4 billion since 1996.

Manufacturing jobs, like those at P&G in Martinsburg and Toyota in Buffalo, will be among the most critical to our state's economic future.

In my time as your Governor, I have fought for jobs like these and many more. From Amazon in Huntington and Macy's in Berkeley County, to Bombardier Aerospace manufacturing in Harrison County—which just in November announced an expansion of 150 jobs.

Companies are finding that when they invest in West Virginia, it pays off.

In fact, since 2011, West Virginia has seen more than \$15 billion in new investments, spanning 275 projects. We have welcomed more than 60 new companies and secured 215 competitive expansion projects.

Over the past six years, investment projects have reached 22 industries and provided West Virginians with more than 12,000 good-paying jobs.

Right here in the Kanawha Valley, we have one of the best examples of that remarkable progress.

Gestamp has grown beyond the bounds of any of our expectations. Since opening in 2013, Gestamp has tripled production and more than doubled its workforce, now employing nearly 900 West Virginians.

I know that one of the fundamental reasons behind their growth has been our ability to transform workforce training in West Virginia for the better.

STRENGTHENING WORKFORCE TRAINING & EDUCATION

For example, the Learn and Earn program which we launched in 2012, gives our community and technical college students classroom instruction and hands-on work experience simultaneously. These students earn a competitive salary while giving employers a cost-effective way to recruit and train new employees.

Joe Atha is one of these students. A former coal miner, Joe is now a student at BridgeValley Community and Technical College where he is also supporting his family by earning a wage through the Learn and Earn program at Gestamp.

Joe is here today with his wife, Rita. Please stand to be recognized . . . along with Dr. Sarah Tucker, Chancellor of our Community and Technical College System.

Through forward-thinking programs like this, we can make a real, lasting difference for West Virginians.

That's why I personally convened the West Virginia Workforce Planning Council, which has helped us break down bureaucratic silos and better align classroom learning with the workforce needs of our businesses and industries.

We've even started that process in high schools through the Simulated Workplace program.

Today, our career technical education classrooms have been transformed into businesses. Medical classes are now clinics. Hospitality programs are now catering businesses and restaurants.

And instead of just going to a welding or carpentry class, our students are now part of a construction company, complete with job foremen and safety inspectors.

Just last month, we celebrated a heartwarming moment as a result of the hard work of more than 2,000 of these students from 12 high schools across the state.

Together with the Department of Education's Career Technical Education division, the West Virginia National Guard and our Voluntary Organizations Active in Disaster, we presented keys to tiny homes that were designed and built by these students for survivors of the historic floods that hit our state last June.

REBUILDING FROM NATURAL DISASTERS

Time and again, in the aftermath of this tragic flooding we have seen the selflessness of West Virginians make a difference for one another.

The "Big Hearts Give Tiny Homes" project was a shining example of that West Virginia spirit—one that made an overwhelming difference for 15 families impacted by the flooding, including Brenda Rivers from Nicholas County, whose home was a total loss in the flooding. Brenda now lives in a new tiny home built by students, including Chance Ballard from Spring Valley High School in Wayne County.

Please join me in welcoming Brenda and Chance . . . along with Dr. Kathy D'Antoni . . . whose visionary leadership at the Department of Education has made Simulated Workplace the success it is today.

Working hand-in-hand with the federal government and local officials, our immediate response to the flooding was quick and effective. We were able to expedite federal assistance to our communities and families in need. And over the past seven months, we have been able to shift our focus to long-term recovery.

Through a public-private approach, we launched the RISE West Virginia program, which in total has provided nearly \$2 million to 230 small businesses in the flood-impacted counties—funding that is helping them reopen or continue operations and keep fueling our local economies.

I would like to thank, once again, West Virginia native and champion Brad Smith—the CEO of Intuit, one of the world's leading financial software companies—and his wife Alys for their family donation of \$500,000, which gave the RISE program its first, needed boost.

West Virginia has experienced more than its share of disasters during my time as your Governor—this historic flooding, the Derecho, Hurricane Sandy, Winter Storms Thor and Jonas and the water crisis.

Through it all, we have grown stronger, we have improved our emergency response capabilities and we have strengthened public safety.

Adversity demands resilience. That's what we have shown in these challenges and many more—including one of the most trying epidemics I believe the Mountain State has ever faced—with the sharp rise in substance abuse and addiction.

FIGHTING SUBSTANCE ABUSE

That's why in 2011, I issued an Executive Order to create the Governor's Advisory Council on Substance Abuse, made up of representatives of substance abuse prevention, behavioral medicine, law enforcement, child and adolescent psychology, the legal system, residential treatment facilities, the public school system, the faith community and health care.

My vision for this Council was a community-driven, ground-up approach to tackling this epidemic. Through community-based task forces in six regions across the state, we have made significant progress and enacted life-saving reforms.

We now look at substance abuse as an illness—not a crime.

We have decreased the number of meth labs across the state as the result of making it more difficult to obtain pseudoephedrine.

We have expanded access to the life-saving drug Narcan to first responders and family members of those struggling with addiction. Last year alone, hundreds of lives were saved as a result.

We have substance abuse prevention services in all 55 counties. We have expanded and improved community-based treatment options and recovery services. Across the state, we have 188 crisis detox beds in residential treatment facilities with more sites under development.

We have 118 beds designated for youth and postpartum treatment as well as short-term and long-term residential treatment. And we have over 1,000 beds for those seeking help and support through peer and provider recovery homes and facilities.

We are working closely with our prisons and correctional facilities to ensure all West Virginians are provided access to substance abuse rehabilitation.

In fact, the Division of Corrections operates nine residential substance abuse treatment units in correctional centers across the state and we have expanded this model to our regional jail facilities as well.

And—through Justice Reinvestment—we have successfully worked to address substance abuse, which is the root cause of many crimes.

Because of that work, we have expanded drug courts, substance abuse counseling and greater supervision after release.

And ultimately, we have better controlled incarceration rates, which prevented our state from having to build a new \$200 million prison that was projected to be needed because of our previous rising prison population.

Just this week, we announced the news that West Virginia reached settlements with two additional drug wholesalers totaling \$36 million, which resolves allegations by our state regarding the distribution of controlled substances in West Virginia.

This brings the total amount of drug settlement money paid to our state by drug wholesalers to \$47 million, which will expand our efforts even further for more law enforcement diversion options, more treatment recovery services and many more efforts to fight this epidemic.

I am also deeply proud of the work we have done in creating the state's first 24-hour substance abuse call line, 844-HELP-4-WV, which has received nearly 8,500 calls since it launched in September 2015.

The help line provides referral support for those seeking help and recovery services. It's an opportunity for people who are struggling to talk with someone who cares, get connected to treatment options and begin the road to recovery.

No caller is ever placed on hold and they are immediately connected with treatment staff representing the best and most appropriate treatment options for them.

Administered by First Choice Health Systems of West Virginia, the help line is staffed by certified professionals, many who have overcome addiction themselves and want to help others turn their lives around as well.

One young gentleman I met did just that because he picked up the phone.

A.J. Walker, a recovering alcoholic and addict, was given the help line number by his brother.

A.J. said when he called, he was treated like a person—not like a drug addict—and he found hope. They got him into a detox facility and into recovery, and the help line staff called and checked in on him every step of the way.

Today, A.J. is employed by the treatment facility that helped him and he's in school studying to become a substance abuse counselor.

A.J. is here today with his brother, Andrew, and Vickie Jones . . . Commissioner of our Bureau of Behavioral Health and Health Facilities.

A.J. we are so proud of you. And today . . . you are giving hope to so many.

When I hear stories like A.J.'s, I am incredibly optimistic for West Virginia's future. With economic changes, job losses and families struggling, we have to seize every opportunity before us to become stronger as individuals and as a state.

One such opportunity lies in Boone and Lincoln Counties, where I believe we have the chance to revitalize Southern West Virginia and make the Mountain State stronger.

EMBRACING THE FUTURE

It was here in this chamber, one year ago during my State of the State Address, where I announced plans for the largest development project in West Virginia's history at the former Hobet surface mine site.

Since last year at this time, we have worked every day and we have made tremendous progress on this project, which is now known as Rock Creek Development Park.

We have worked with local landowners, who are generously donating land that will result in more than 12,000 developable acres for Rock Creek, which is the size of the city of Huntington.

The West Virginia National Guard—Rock Creek's first tenant—is on the ground with newly-expanded operations for maintenance work and training.

And we have a long-term strategic plan now in place, which looks at demographics and market trends to help us identify the best investment opportunities for Rock Creek.

For generations, our coal miners, workers and their families have kept West Virginia strong. Now, it's our turn to help them.

By realizing the full potential of Rock Creek Development Park for job creation and economic diversification, we can build up a region of our state hard hit by the downturn in the coal industry.

My vision for Rock Creek started many years ago as I rode my four-wheeler around the hills of Southern West Virginia and saw the possibilities that such an enormous site—with such a great amount of flat land—could have.

Embracing opportunities like this takes careful thought and planning, and this public-private project will require some investment by the state. But I believe wholeheartedly that the returns will vastly exceed our investment.

That isn't something I say lightly.

Throughout my 42 years in public service, fiscal responsibility has been at the heart of every project I've undertaken, every policy I've fought for and every decision I've made.

GOVERNING RESPONSIBLY

As a result of much hard work, over the years we have decreased taxes, embraced responsible spending, made great progress toward paying off the state's unfunded liabilities and controlled growth of the state's budget.

We have realized milestone tax reforms, including progressive elimination of the food tax, saving West Virginians \$162 million each year.

We have gradually eliminated the state's business franchise tax and decreased the corporate net income tax—changes that make West Virginia more attractive for business investments.

As a result of responsible reforms, last year the National Council on Compensation Insurance filed the 12th reduction in workers' compensation premiums in 12 years. And West Virginia

employers have seen a savings of more than \$352 million since we privatized the program in 2006.

We addressed our Other Post Employment Benefits by dedicating \$30 million annually to pay off the \$5 billion unfunded liability, which was caused by previous promises that became too expensive to maintain.

As I did last year, I present to you today a budget that is balanced, but a budget that requires difficult decisions and thinking about the next generation rather than the next election.

I continue to be proud of the fiscal responsibility we have shown not just for the past six years, but over the last generation. Our commitment to paying down our long-term liabilities has not wavered and we have responsibly reduced taxes on both our employers and our employees.

Because of our improved fiscal policies, we have been able to refinance bonds that pay for schools, water and sewer lines, college campus improvements and roads to save more than \$100 million in the past six years.

So when people ask me why I'm so concerned with maintaining our Rainy Day Fund and our bond rating, that's why. It means more schools, more roads and more homes with clean water.

As part of tough decisions during tough economic times, we have cut more than \$600 million from our budget in the past five years. While we all continue to hope that the coal industry will rebound, that hasn't happened quickly and it likely won't ever return to the levels that we once saw.

We continue to work to diversify our economy and I know the improvements we've made will pay long-term dividends in job growth and investment.

But we're not there yet, and part of being fiscally responsible means making sure that we can pay our bills without taking the Rainy Day Fund to dangerously low levels or cutting services to the point where we cannot care for our people or educate our students.

Therefore, the budget I present to you today includes a 1 percent increase in the consumer sales tax to raise \$200 million and elimination of the current sales tax exemption on telecommunications services—a move that would make our system the same as 80 percent of the country.

I understand these taxes will not be easy, but asking people to pay a few dollars more now is a far better choice than seeing PEIA cards not accepted by medical providers or going back to the days when we couldn't finance school and road improvements, or even pay the gas bill at the Governor's Mansion.

I urge you to consider these responsible actions to balance the budget until the brighter economic picture that we all expect comes into focus.

CLOSING

I believe the thing that compelled each of us to public service is our love for West Virginia. And that is the very thing that should compel us to work together.

When I became your Governor, I said that we must put West Virginia first.

That's what we have done. And I encourage you to continue working together out of that deep devotion to our beloved state—in the coming year and beyond.

I am proud of the work that we have accomplished. I look forward to the leadership of Governor-elect Jim Justice and I thank all of you who have worked with me over the years.

I thank my cabinet members and agency directors. And I thank my dedicated staff members who have worked every day—not for me, but for the people of West Virginia.

It has been the honor of my life to be your Governor—to be West Virginia's Governor. Joanne and I thank the people of West Virginia for your abiding trust, counsel and support.

And we look forward—with the greatest hope and optimism—to an even stronger West Virginia.

Thank you. God bless you. And God bless the great state of West Virginia.

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day.)

The joint assembly having been dissolved, the Senate returned to its chamber and resumed its regular session.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Ferns, the Senate recessed for five minutes.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 1, Adopting joint rules of Legislature.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 2, Authorizing payment of supplies, services, printing and other expenses.

The Senate proceeded to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 6 (originating in the Committee on Rules)—Creating a Select Committee on Tax Reform for the Eighty-Third Legislature.

Resolved by the Senate:

That for the Eighty-Third Legislature there is hereby created a Select Committee on Tax Reform. This committee shall consist of seven members appointed by the Presiding Officer. Notwithstanding the provisions of any Senate rule to the contrary, this committee shall have jurisdiction of legislative proposals on taxation and related matters. The rules of the Senate governing standing committees shall govern the actions and proceedings of this committee insofar as applicable.

Further Resolved, That the Senate hereby authorizes the Select Committee on Tax Reform to meet and be paid during interims between regular sessions of the Eighty-Third Legislature; and, be it

Further Resolved, That the Select Committee on Tax Reform is hereby authorized to meet at times subject to the approval of the presiding officer of the Senate; and, be it

Further Resolved, That the purpose of any such meetings would relate to gathering information regarding taxation and related matters; and, be it

Further Resolved, That members of such committee are hereby authorized by the Senate Committee on Rules to receive payment of travel and interim expenses and other compensation as provided by law.

And,

Senate Resolution 7 (originating in the Committee on Rules)—Authorizing the Senate Committee on Confirmations to meet and be paid during interims between regular sessions of the Eighty-Third Legislature.

Whereas, Section one, article one, chapter four of the Code of West Virginia, 1931, as amended, provides that either house of the Legislature may, by resolution, direct any select committee unique to that house or any standing committee of that house and created by it by rule, motion or resolution to meet between regular sessions of the Legislature; and

Whereas, The West Virginia Senate is vested with the authority, under sections eight and nine, article VII of the Constitution of West Virginia, to advise and consent to certain gubernatorial nominations and certain other nominations as determined by law; and

Whereas, The Committee on Confirmations is a standing committee of the Senate with authority to make recommendations and report to the Senate with respect to such nominations; therefore, be it

Resolved by the Senate:

That the Senate hereby authorizes the Senate Committee on Confirmations to meet and be paid during interims between regular sessions of the Eighty-Third Legislature; and, be it

Further Resolved, That the Committee on Confirmations is hereby authorized to meet at times subject to the approval of the presiding officer of the Senate; and, be it

Further Resolved, That the purpose of any such meetings would relate to gathering information regarding prospective matters involving duties of the Senate related to advice and consent as to nominations; and, be it

Further Resolved, That members of such committee are hereby authorized by the Senate Committee on Rules to receive payment of travel and interim expenses and other compensation as provided by law.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Mitch Carmichael,
Chairman ex officio.

At the request of Senator Ferns, unanimous consent being granted, Senate Resolution 6 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

At the request of Senator Ferns, and by unanimous consent, Senate Resolution 7 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

On motion of Senator Ferns, leaves of absence for the day were granted Senators Miller and Unger.

On motion of Senator Ferns, and in accordance with House Concurrent Resolution 3, previously adopted, the Senate adjourned until Wednesday, February 8, 2017, at 12 o'clock Noon.
