

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
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FIRST DAY

West Virginia Legislature
Journal of the House of Delegates
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Charleston, Wednesday, January 9, 2019

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable Bill Anderson, the Delegate-elect from the 8th Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate-elect Anderson then assumed the Chair and called the House of Delegates to order.

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

**MESSAGES FROM THE EXECUTIVE
AND OTHER COMMUNICATIONS**

A communication from the Honorable Mac Warner, Secretary of State presented a communication which was received and laid before the House, containing the official returns of the election held on the 6th day of November, 2018, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

DELEGATES ELECTED

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-fourth Legislature in accordance with the laws of West Virginia were as follows:

First District

Pat McGeehan
Randy Swartzmiller

Second District

Phillip W. Diserio

Third District

Shawn Fluharty
Erikka Storch

Fourth District

Joe Canestraro
Lisa Zukoff

Fifth District

Dave Pethtel

Sixth District

David L. Kelly

Seventh District

Jason S. Harshbarger

Eighth District

E. W. "Bill" Anderson, Jr.

Ninth District

Ray Hollen

Tenth District

Tom Azinger

Vernon Criss

John R. Kelly

Eleventh District

Martin "Rick" Atkinson

Twelfth District

Steve Westfall

Thirteenth District

Scott Cadle

Joshua Kurt Higginbotham

Fourteenth District

Jim Butler

Fifteenth District

Geoff Foster

Sixteenth District

Sean Hornbuckle

Daniel Linville

John F. Mandt

Seventeenth District

Chad Lovejoy

Matthew Rohrbach

Eighteenth District

Evan Worrell

Nineteenth District

Kenneth "Ken" Paul Hicks

Robert Thompson

Twentieth District

Nathan D. Brown

Twenty-first District

Mark Dean

Twenty-second District

Joe Jeffries

Zach Maynard

Twenty-third District

Rodney A. Miller

Twenty-fourth District

Ralph Rodighiero

Tim Tomblin

Twenty-fifth District

Tony Paynter

Twenty-sixth District

Ed Evans

Twenty-seventh District

Joe Ellington

Eric Porterfield

John H. Shott

Twenty-eighth District

Roy G. Cooper

Jeffrey Pack

Twenty-ninth District

Brandon Steele

Thirtieth District

Mick Bates

Thirty-first District

Christopher Wayne Toney

Thirty-second District

Tom Fast

Kayla Kessinger

Margaret Anne Stagers

Thirty-third District

Roger Hanshaw

Thirty-fourth District

Brent Boggs

Thirty-fifth District

Andrew D. Byrd
Moore Capito
Eric Nelson
Doug Skaff, Jr.

Thirty-sixth District

Amanda Estep-Burton
Andrew Robinson
Larry L. Rowe

Thirty-seventh District

Mike Pushkin

Thirty-eighth District

Dianna Graves

Thirty-ninth District

Sharon Lewis Malcolm

Fortieth District

Dean Jeffries

Forty-first District

Jordan Hill

Forty-second District

Cindy Lavender-Bowe
Jeff Campbell

Forty-third District

Bill Hartman
Cody H. Thompson

Forty-fourth District

Caleb Hanna

Forty-fifth District

Carl "Robbie" Martin

Forty-sixth District

Patrick S. Martin

Forty-seventh District

Chris Phillips

Forty-eighth District

Danny Hamrick
Tim Miley
Ben Queen
Terry Waxman

Forty-ninth District

Amy Summers

Fiftieth District

Michael Angelucci
Mike Caputo
Linda Longstreth

Fifty-first District

Barbara Evans Fleischauer
Evan Hansen
Rodney A. Pyles
Danielle Walker
John Williams

Fifty-second District

Terri Funk Sypolt

Fifty-third District

D. R. "Buck" Jennings

Fifty-fourth District

John Paul Hott II

Fifty-fifth District

Isaac Sponaugle

Fifty-sixth District

Gary G. Howell

Fifty-seventh District

Ruth Rowan

Fifty-eighth District

Daryl E. Cowles

Fifty-ninth District

Larry D. Kump

Sixtieth District

S. Marshall Wilson

Sixty-first District

Jason Barrett

Sixty-second District

Tom Bibby

Sixty-third District

John Hardy

Sixty-fourth District

Eric L. Householder

Sixty-fifth District

Sammi Brown

Sixty-sixth District

Paul Espinosa

Sixty-seventh District

John Doyle

In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

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The Clerk then called the roll (**Quorum Call**), and the following answered to their names:

Anderson	Estep-Burton	Kelly, D.	Robinson
Angelucci	Evans	Kelly, J.	Rodighiero
Atkinson	Fast	Kessinger	Rohrbach
Azinger	Fleischauer	Kump	Rowan
Barrett	Fluharty	Lavender-Bowe	Rowe
Bates	Foster	Linville	Shott
Bibby	Graves	Longstreth	Skaff
Boggs	Hamrick	Lovejoy	Sponaugle
Brown, N.	Hanna	Malcolm	Staggers
Brown, S.	Hansen	Mandt	Steele
Butler	Hanshaw	Martin, C.	Storch
Byrd	Hardy	Martin, P.	Summers
Cadle	Harshbarger	Maynard	Swartzmiller
Campbell	Hartman	McGeehan	Sypolt
Canestraro	Hicks	Miley	Thompson, C.
Capito	Higginbotham	Miller	Thompson, R.
Caputo	Hill	Nelson	Tomblin
Cooper	Hollen	Pack	Toney
Cowles	Hornbuckle	Paynter	Walker
Criss	Hott	Pethtel	Waxman
Dean	Householder	Phillips	Westfall
Diserio	Howell	Porterfield	Williams
Doyle	Jeffries, D.	Pushkin	Wilson
Ellington	Jeffries, J.	Pyles	Worrell
Espinosa	Jennings	Queen	Zukoff

The roll disclosing that 100 Delegates-elect had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates-elect present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Beth Walker, Chief Justice of the West Virginia Supreme Court of Appeals.

ELECTION OF SPEAKER

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the Eighty-fourth Legislature and stated that nominations were now in order.

MAJORITY NOMINATION

Delegate Shott, from the 27th Delegate District, nominated the Honorable Roger Hanshaw from the 33rd Delegate District, as follows:

Delegate Shott. Thank you, Mr. Chairman and good afternoon. It's my honor and my privilege to nominate for our next Speaker, our current Speaker, Roger Hanshaw. This is my...beginning of my fifth term and I always look forward with great anticipation to this event the immense amount of suspense that is generated by such a hotly contested election and must admit though that the...there's also an immense amount of pressure on those of us who nominate those who are being considered for the candidates for that, we know that the outcome of this election can turn on a single word and that there are many fact checkers throughout the house here ready to pounce on just any slip of the tongue so I hope you'll understand and forgive my nervousness.

I want to tell you why I think we need to support our current Speaker for our next Speaker but if you happened to be at the function this morning that the Chamber of Commerce schedules they call it "Issues and Eggs" and I know a lot of you were there, I wouldn't have had to tell you why you need to support Roger Hanshaw for Speaker. His performance was exemplary and as you know the public face of this House is often the Speaker of this House. It's the person that the public associates with this House and today at that event, Roger was able to simplify and articulate a vision that I think all of us could embrace, a vision of making West Virginia the best possible place to live, raise a family, get a job or grow or start a business and that our job is basically to make that choice just a little bit easier for those who are looking at that possibility. Roger could not have done a better job. He would have made you proud, he certainly made me proud and as I indicated the public face of this House is our Speaker. Also the public sees our Speaker in the place of this podium up here. He's the person those millions who turn in when we have a stream floor session, sees as the person who operates, who's responsible for the efficient administration of the house and Roger, as one of only two hundred and fifty certified parliamentarians in this entire country, is well qualified to hold that position. And why is that so important? Why is it important? Well, I guess the first question that needs to be asked is do you value your time, each of us; each of us has a limited amount during those sixty days of time that we're here we have constituent requests to deal with, we have lobbyists to deal with, we have a plethora of work to do and our time on the floor is extremely valuable and believe me, as someone who is now a member of AARP who receives Medicare and Social Security, retirement and who realizes that the grains of sand in my hourglass are drawing slim, my time I consider valuable and I know you do. That's why the efficient operation of this House is extremely important. There's no one better to oversee that than Roger Hanshaw.

He's not only qualified, extremely qualified in parliamentary procedure, but he's also extremely decisive. One of the most decisive people that I've ever run into, you know where you stand, he'll be direct with you, but more importantly he'll make a quick and accurate decision and move this house along. He's also the person behind the curtain, the man behind the scenes that run ...oversees the entire operation of this House. Roger is probably the most organized person that I run into during my four terms here, he's not only organized he's extremely intelligent. You probably all know by now he's got multiple degrees, a college degree, a PHD in chemistry, a law degree, extremely intelligent but I must say not an egghead, he's very practical, he's very solutions-oriented. As I said he's very...he has a great deal of common sense to couple with the intelligence. He has an incredible work ethic. It's been demonstrated time and time again, those of you who worked with us on the Judiciary Committee has seen it first-hand. Those of you were involved in the flood committee that he chaired, co-chaired, have seen it. As I said he is solution-focused but he's guided by rock solid conservative principles. And if you saw him this morning he performs extremely well under pressure. All of those characteristics make Roger uniquely qualified to continue as our Speaker. It is with great pride that I can recommend, and ask support by you, and nominate him as our next Speaker of the House.

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The nomination of Delegate Hanshaw was seconded by the Honorable Amy Summers from the 49th Delegate District, with the following remarks:

DELEGATE SUMMERS. Thank you, Mr. Chairman. We've given this speech a few times now so I scaled mine way down and I just want the Speaker to know that if he can survive raising two little girls he'll be fine ...he'll be fine in this job. I've been there, I'll give you some pointers.

Recently I read an article called "*What Great Leaders Do*" and when I read through this article and I thought about the leaders that we have in West Virginia, I felt that Roger had many of these attributes. They listen more than they talk, they communicate effectively and they have a vision. Speaker Hanshaw has a vision to make West Virginia a better place to live, work and raise a family and I like that vision for all of us because all of us can agree that that's what we want to do to move our state forward. Great leaders remain calm, commit to learning which he certainly has with a PhD, seeks solutions and bounce back from setbacks. They assemble the right team and they operate with honor and integrity. Speaker Hanshaw possesses all of these qualities and therefore, I second the nomination of Roger Hanshaw to retain the position of West Virginia's Speaker of the House.

MINORITY NOMINATION

Delegate Miller, from the 23rd Delegate District, then nominated the Honorable Tim Miley, the Delegate from the 48th Delegate District, as follows:

DELEGATE MILLER. Thank you, Mr. Chairman. Good morning. Good afternoon, I guess it is now. Coming off my first term, as a member of this esteemed group, I certainly didn't think that I would ever find myself standing before you to make a recommendation or a nomination as to who should be elected as a leader of our body. In preparing my remarks to do just that, I came to realize that there are some here who already know what I may be about to say about the

person I'm placing before you at this time, but there are few folks, about thirty some odd I believe, that occupy the same seat as I did just a short time ago or what seemed to be a short time ago, as a new member so I considered what I would present to you as well.

I will try to be brief as I rise before you to make the nomination of Tim Miley as our next Speaker of the 84th Session. In doing so there are some things that come to mind. It looks easy when a party is in control and at that point I guess we can say everybody wants to be a leader of that group. In our case, being in the minority is not nearly as glamorous or as fun as things appear but it is a position where real work takes place. This means working with all the varied backgrounds and ideas each of us may have and working across the aisle as we advocate the position for the hardworking people of the great State of West Virginia. It takes hard work with experience, knowledge of the system, institutional knowledge of this body, as well as the personality to listen and work well with others. Having previously served as Speaker of the House and Minority Leader, Delegate Miley doesn't always take the easy road travelled but takes the difficult road when needed, without hesitation for the betterment of our body, this State and our people. Leadership is something you earn, something you're chosen for. You can't just come in demanding and yelling, "I am your leader" and just expect it to be so. If it happens it's because others respect you, they trust you. Being a good leader requires remembering that you're there for a reason and that reason certainly isn't to always have your way, but to work with others to find the right way. Leaders like Delegate Miley not only welcome questioning and criticism, he insists it. He desires your input and consistently welcomes your conversation on various topics. I've regularly heard him ask members during discussion, "well what are your thoughts on that" rather than tell them what their thoughts ought to be. A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go at times but ought to be. It's easy to say, let's say in current terms we may be familiar with want to go pass some laws, but as we all well know there's more to it than just making a declaration and watching it happen.

Bipartisan work is what we should all strive for in this Chamber but it is just that, work. With all the varied backgrounds, life experiences and ideas brought together to form the 84th Session, it is a goal we should all strive for, to work toward. Delegate Miley can certainly lead that effort. He has a genuine understanding that whether in the minority or in the majority, this does not keep any of us or all of us from being in the majority for good ideas effective legislation, for making our State better, for getting back to business of helping the people of the great State of West Virginia. I've witnessed his bravery and intelligence to step forward and tackle the difficult issues and defend a tax on our membership and the hardworking people of West Virginia that we all come here to represent. While he is one of the first to step forward to take a bullet for us to defend our body when we are attacked is also the first to step aside and promote our membership to run with good ideas

and advocate certain positions. Dwight D. Eisenhower once said, “the supreme quality of leadership is integrity”. I believe he is a person who possesses that quality of integrity needed during these difficult times in West Virginia as issues have been and continues to be discovered at various levels of state government. Coming off a very trying 2018 for this body surely we can all appreciate that.

I could go on and on and stand here and try to define what a leader is and their characteristics but from my experience it’s probably better to just present you one. With that being said, Mr. Chairman, it’s my honor and privilege to place Delegate Timothy R. Miley in nomination for Speaker of the West Virginia House of Delegates. Thank you, Mr. Chairman.

The nomination of Delegate Miley was seconded by the Honorable Jason Barrett of the 61st Delegate District, with the following remarks:

DELEGATE BARRETT. Thank you, Mr. Chairman. It is certainly my honor and privilege to second the nomination for Tim Miley to be the next Speaker of this House. When I think about the leadership qualities that I want in a Speaker, I think about someone that makes decisions based on reason and logic, not someone that bases them on emotion.

Several years ago ... I guess five years ago I guess, I was first elected here as a freshman Democrat ... a freshman Delegate, in the majority and I remember the first time that I met Tim Miley, who was the judiciary chairman at the time and I obviously didn’t serve on Judiciary but we were at a reception at the Marriott late one evening and he came up and introduced himself. I knew who he was but I really didn’t know him and that first impression that he made on me about what his ... wanting to know what was important to me, the issues facing my district, what I thought would be in the best interest of West Virginia moving forward and not ... he wasn’t there to influence me or to try to tell me about him, he wanted to hear about me and that’s the way that he’s been with our caucus for so long. Someone that really wants to work with everyone in an extremely bipartisan manner and he was elected Speaker of this House. He is the person with experience of governing this body. And I can tell you it was always our agenda, not his agenda.

There were so many conversations that he’s had with so many of us about our vision for West Virginia and his leadership style and his listening ability is really what this House of Delegates needs in moving forward. We all want to have an active role in the body, we all want to have some type of position to be on the committees that we want to be on and I can tell you having served with Tim Miley for several years now, that he always has encouraged each one of us and more importantly he has expected each one of us to have an active role. There is no one in my view more ready, more equipped to lead this House of Delegates moving forward, in a time where West Virginia, I believe, is really on the cusp of something great and for that reason again, it is my honor and privilege to second the nomination of Tim Miley.

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There being no further nominations, on motion of Delegate Shott, the Presiding Officer declared nominations closed.

The Clerk then called the roll, the result of which was as follows:

Delegates voting for Delegate Hanshaw - 59, as follows:

Anderson	Hamrick	Kessinger	Queen
Atkinson	Hanna	Kump	Rohrbach
Azinger	Hardy	Linville	Rowan
Bibby	Harshbarger	Malcolm	Shott
Butler	Higginbotham	Mandt	Steele
Cadle	Hill	Martin, C.	Storch
Capito	Hollen	Martin, P.	Summers
Cooper	Hott	Maynard	Sypolt
Cowles	Householder	McGeehan	Toney
Criss	Howell	Miley	Waxman
Dean	Jeffries, D.	Nelson	Westfall
Ellington	Jeffries, J.	Pack	Wilson
Espinosa	Jennings	Paynter	Worrell
Fast	Kelly, D.	Phillips	
Foster Graves	Kelly, J.	Porterfield	

Delegates voting for Delegate Miley - 41, as follows:

Angelucci	Doyle	Longstreth	Staggers
Barrett	Estep-Burton	Lovejoy	Swartzmiller
Bates	Evans	Miller	Thompson, C.
Boggs	Fleischauer	Pethtel	Thompson, R.
Brown, N.	Fluharty	Pushkin	Tomblin
Brown, S.	Hansen	Pyles	Walker
Byrd	Hanshaw	Robinson	Williams
Campbell	Hartman	Rodighiero	Zukoff
Canestraro	Hicks	Rowe	
Caputo	Hornbuckle	Skaff	
Diserio	Lavender-Bowe	Sponaugle	

The Presiding Officer stated that the total number of votes cast was 100, of which the Honorable Roger Hanshaw of the 33rd Delegate District received 59, and the Honorable Tim Miley of the 48th Delegate District received 41, and declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Shott, Summers and Miley as a committee to escort the Speaker-elect to the Clerk's Desk.

Speaker-elect Hanshaw then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals.

Delegate Miley delivered the following remarks prior to presenting the Speaker to the House:

DELEGATE MILEY. Well, Delegate Hanshaw I want to again congratulate you on being selected as Speaker of this body. You and I have developed a friendship over the past few years as we have been serving together. We've had many conversations leading up to this day. I feel very strongly that you are sincere as am, I in working in a bipartisan effort going forward. While we won't always agree on every issue, I really believe that you have the heart of this state first and foremost in your mind and in your policy decisions and I can speak on behalf of the democratic minority we very much look forward to working with you. I think for the sake of our state and the future of our kids we need to work together. We've had some private conversations that affected our families, personally and I know you have that in mind. Congratulations.

At the conclusion of Delegate Miley's remarks, the Speaker then addressed the House as follows:

MR. SPEAKER, MR. HANSHAW. Friends, please be seated. It was perhaps the highest honor of my professional career to have gained your confidence in August, in the first opportunity I was given to serve as Speaker of this House, it was no less an honor this morning to have your confidence to be chosen again today to lead our House as we embark on this Legislature.

Every member of this body, all one hundred of us, as I said in August, as I said this morning and as I will say again now, chose a seat ...chose to seek a seat in this House for a reason. Each and every one of us chose to seek a seat in this Legislature because we were motivated to make West Virginia the best place we can make it to live, work and raise a family. Those issues transcend any divide that we have. Those issues transcend any disagreements that we have as party, as geography, as ideology because all of us, all of us have chosen West Virginia.

All of us have chosen West Virginia as our home. We have chosen it as the place where we have domiciled our family. We have chosen it as the place we have started and grown our business and my objective as Speaker of this House is to work with each and every one of you to make that choice a little easier for our friends, our family, our neighbors and all 1.8 million West Virginians. There are things we can and will do together to make that happen.

In just a few moments there will be bills introduced in this Legislature for consideration to help bring our economy into the 21st century. We've worked together over the past three years to take steps to advance the connectivity of all of our rural communities to the rest of the world in two comprehensive broadband expansion bills, a number of those bills will be introduced today for consideration in this House. We have worked together over the course of the last interim period to address what we know to be a crisis in our State, with adoption and foster care issues that are plaguing our citizens, that are making it nearly impossible for some of the vulnerable West Virginians. Some of the most vulnerable citizens in our charge to grow up happy, healthy and successful here in our State. We will tackle that issue this session. We have done so up until this point together, we have done so in a bipartisan manner

and that's my hope and expectation that we do so again. We know that that issue is an outgrowth and a symptom of a drug problem that has plagued our State and that has destroyed communities all across West Virginia. We know that we have more to do in terms of making all of those men and women and all those families who have been plagued by that terrible tragedy, employable again. We know that there are steps we have to take to train those West Virginians and all of our friends and family and neighbors for the jobs that we have here in our State. We know that workforce training is a problem. We know that workforce training needs transcend all industries, transcend all geography, transcend all sectors of our State and we will introduce proposals today and over the next fifty-nine days, to address that issue.

We will work together. We will do it together, because it's our objective, it's our mandate from our friends, our family and our neighbors to make West Virginia the best place in America that we can make it to live, work and raise a family. My objective is to make that choice easier for all 1.8 million West Virginians and for all those friends and family and neighbors of ours who have left West Virginia but are longing to come home. I thank you for your support today. I am looking forward to working together with you for the next fifty-nine days of this Session. Thank you for your confidence today.

The Speaker then assumed the Chair.

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ELECTION OF CLERK

The next order of business being the election of the Clerk, the Speaker stated that nominations were now in order.

Delegate Fast, a Delegate from the 32nd District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE FAST. Thank you, Mr. Speaker. It is my honor and pleasure to nominate Stephen J. Harrison for the Clerk of the West Virginia House of Delegates for the 84th Legislature. Steve was first elected Clerk in 2014 and he has proven over the last four years that he is the right person for this job and that it is so important to the operation of the House of Delegates. Steve Harrison is no stranger to this body or to the legislative process. He served in the House of Delegates from 1992 to 2002, when then he ran for and was elected to the State Senate representing the people of Kanawha County.

A native of West Virginia, Steve is a graduate of Sissonville High School and Brown University. There he was a standout football player and I'm told he can still kick a football with the best of them. But I believe the Speaker would like to challenge you on that.

Steve is a devoted husband to his wife of 24 years, Kristin, and the father to twins, Maggie and Trey. He is a principle man of faith and I think the one word that would best described Steve Harrison is honorable. If you look up the meaning of the word honorable in the dictionary, you will find words such as honest, moral, ethical, principled, selflessness, humility, and truthfulness. I believe these are the marks of an honorable man and it perfectly describes Steve Harrison.

Stephen J. Harrison has the experience and leadership skills to continue to serve as our House Clerk and I hope you will join me in supporting his reelection to that office. Thank you, Mr. Speaker.

Messages from the Senate

A message from the Senate, by

Senators Hamilton, Azinger and Baldwin, announced that a quorum of the Senate had assembled and organized by the election of the Honorable Mitch Carmichael, 4th Senatorial District, as President; Lee Cassis, of the County of Kanawha, as Clerk; the election of other officers as provided by law, and was ready to proceed to the business of the session.

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The nomination for Clerk was seconded by Delegate Azinger of the 10th Delegate District, with the following remarks:

DELEGATE AZINGER. Thank you. It is indeed a rare honor and privilege to second the nomination of Steve Harrison to be the Clerk of the West Virginia House of Delegates. I first met Steve a quarter of a century ago I think, it's been a while anyway. I was a freshman, I shared an office with Steve and he helped me immensely, to learn the ropes.

I left the House four years ago during which time Steve served as your Clerk. Although I was not here, but for the last two months, I understand he did an outstanding job. The only complaint I heard was that he swore me in to take Frank Deem's place but Steve was part of the famous Four Horsemen, when I came and they sure made their mark on the House. He served in both the House for ten years and the Senate with great distinction and has extensive knowledge of the West Virginia Legislature. His integrity is of the highest order. He will continue to be an outstanding Clerk. Thank you very much.

On motion of Delegate Fast, nominations were closed and the Honorable Stephen J. Harrison of the County of Kanawha, was elected Clerk of the House by acclamation. (Applause, members rising in ovation)

Mr. Harrison then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals.

ELECTION OF SERGEANT-AT-ARMS

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate Howell, the Delegate from the 56th Delegate District, nominated Anne Lieberman of the County of Kanawha, as follows:

DELEGATE HOWELL. Thank you, Mr. Speaker. Since her election of Sergeant-at-Arms in May of 2018, Ann Lieberman has successfully defended the House Chamber against enemies, foreign and domestic. During her tenure not one Delegate has been harmed. Therefore, Mr. Speaker, I respectfully submit her name in nomination for Sergeant-at-Arms.

The nomination was seconded by Delegate Cooper of the 28th Delegate District, with the following remarks:

DELEGATE COOPER. Thank you, Mr. Speaker, and I would echo what Delegate Howell says, none of us has been harmed. I would also say we made history last year when we put her in this position for the last session and I hope we continue to make history to make her one of the longest serving Sergeants-at-Arms and I am proud and thankful to be seconding this nomination for Ann Lieberman to be our next Sergeant-at-Arms. Thank you, Mr. Speaker.

On motion of Delegate Howell, nominations were closed and the Honorable Anne Lieberman of the County of Kanawha, was elected Sergeant-at-Arms by acclamation. (Applause, members rising in ovation)

Ms. Lieberman then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members arising in ovation.)

ELECTION OF DOORKEEPER

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate Capito, a Delegate from the 35th Delegate District, nominated Robert Stewart of the County of Kanawha, as follows:

DELEGATE CAPITO. Thank you, Mr. Speaker. Ladies and gentlemen of the House and guests, welcome. It is my honor today to nominate for office of the Doorkeeper, Mr. Robert Stewart from the county, right here in Kanawha.

He has been a Doorkeeper for two sessions and has done a fantastic job and I think for those of us that are returning we have a great appreciation for the service that the men and women that keep these doors, do every day and for those that are newly joining us, I can tell you that you will quickly, quickly appreciate the time and effort and service that they put in here every day with us.

I can think of no better qualification for this position than experience and therefore, Mr. Speaker, it is my honor to nominate Mr. Robert Stewart to be the next Doorkeeper of the West Virginia House of Delegates. Thank you.

The nomination was seconded by Delegate Westfall of the 12th Delegate District, with the following remarks:

DELEGATE WESTFALL. Ladies and gentlemen of the House, I am proud to second the nomination for a good and decent man that has the experience to be our next Doorkeeper. It is my belief that Mr. Stewart will do a wonderful job. As such, Mr. Speaker, I second the nomination of Mr. Robert Stewart to be the West Virginia House of Delegates Doorkeeper. Thank you.

On motion of Delegate Capito, nominations were closed and the Honorable Robert Stewart of the County of Kanawha, was elected Doorkeeper by acclamation. (Applause, the members arising in ovation.)

Mr. Stewart then took the oath of office as prescribed for the Doorkeeper, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members arising in ovation.)

* * * * *

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Regular Session of the Eighty-fourth Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Roger Hanshaw, 33rd Delegate District, as Speaker; Stephen J. Harrison of the County of Kanawha, as Clerk; Anne Lieberman of the County of Kanawha, as Sergeant-at-Arms; and Robert Stewart of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Hollen, Rowan and Hartman.

On motion of Delegate Summers, the Speaker, was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-fourth Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, had organized by the election of officers of the respective houses, and was ready to enter upon the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Atkinson, Kessinger and Rowe.

Resolutions Introduced

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

H. C. R. 1 - "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 7:00 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.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Storch, Harshbarger and Byrd.

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

Messages from the Senate

A message from the Senate, by

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

S. C. R. 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 governing the Eighty-fourth Legislature are hereby adopted to govern the proceedings of the Eighty-fourth Legislature, subject to subsequent amendment.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

A message from the Senate, by

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

S. C. R. 2 - "Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-fourth Legislature."

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary sessions of the eighty-fourth 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 respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Resolutions Introduced

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

H. R. 1 - "Adopting Rules of the House of Delegates."

Resolved by the House of Delegates:

That Rules of the House of Delegates for the 84th Legislature are hereby adopted and shall govern the proceedings of the Regular Sessions of the Legislature and any Extraordinary Sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, as follows:

RULES

ELECTION AND DUTIES OF OFFICERS

Officers and Their Compensation

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant-at-Arms, and Doorkeeper. All officers, except the Speaker, shall receive such compensation as the House may determine.

Vote to Be ~~Viva Voce~~ by Roll Call

2. In the election of officers by the House, the vote shall be given ~~viva voce~~ by roll call, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. No question before the House, or in committee of the whole, shall be voted on by ballot. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Required the election of officers be by roll call instead of *viva voce*.

DUTIES AND RIGHTS OF THE SPEAKER

Call to Order

3. The Speaker shall take the chair on each legislative day at the hour to which the House shall have adjourned; call the members to order and, after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR21, Reg. Sess., 1985; HR1, Reg. Sess., 2017)

Effect of the 1985 amendment. The Pledge of Allegiance was added to the Call to Order.

Effect of the 2017 amendment. Deleted the word “precisely” following the words “each legislative day”; and deleted the words “shall immediately” preceding the words “call the members”.

Preservation of Order

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all messages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair, except as otherwise provided by these rules or other rules applicable to the proceedings of the House. When two or more members arise seek recognition at the same time, he shall name the one entitled to the floor. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Added the phrase “except as otherwise provided by these rules or other rules applicable to the proceedings of the House” at the end of the first sentence and changed “arise” to “seek recognition” in the last sentence.

Questions of Order

6. The Speaker shall decide all questions of order subject to an appeal to the House when demanded by any ten members, or, if in committee, ten percent of the members of the committee. He may speak to questions of order from the chair in preference to other members, and may make the concluding speech on any appeal from his decision, notwithstanding, he may have before spoken on the question; but no other members shall speak more than once on such appeal without leave of the House.

When properly requested by a member, the Speaker shall inform the House upon any point of order or practice pertinent to the business before it. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Clarified that ten percent of members in a committee may demand an appeal of the Chair, and clarified that the Speaker may speak to questions of order from the chair.

Preserving Order in Galleries

7. The Speaker shall have general control of the House Chamber, lobbies, and rooms and of the corridors and passages in that part of the Capitol assigned to the use of the House. In case of any disorderly conduct or disturbance in the corridors, passages or galleries; including but not limited to, signs, audible displays, flash photography or standing in the galleries; he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Clarified that audible displays, flash photography or standing in the galleries is prohibited.

Appointment of Speaker Pro Tempore, Presiding Officer in Absence of Speaker

8. The Speaker shall appoint a Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided*, That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however*, That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: *Provided further*, That the Speaker pro tempore or any other member hereunder designated shall so preside for a period not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House. (HR20, Reg. Sess., 1979)

Effect of the 1979 amendment. Created a Speaker Pro Tempore to preside and perform the duties of Speaker in the absence of the Speaker.

Appointment of House Employees

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the beginning of each regular session of the Legislature, the Speaker shall appoint such persons to various positions, in such number as deemed necessary to efficiently carry on the work of the House.

At an extraordinary session of the Legislature only such persons designated for regular sessions as shall be necessary to perform the duties incident to the work of the session shall be appointed for the extraordinary session. Such persons as are appointed shall be selected with due regard to experience and qualifications.

All employees of the House shall report each day to their supervisor. A person designated by the Clerk of the House of Delegates shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Saturdays and Sundays during sessions excepted, unless excused by the Speaker. All employees shall be on duty daily during such hours as shall be designated by their supervisor. The appointing authority shall have power to discharge any employee at any time. The word "employee" as herein used shall include all persons employed by the House.

Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties as may be deemed proper to secure the most efficient and expeditious work.

The employees designated herein shall not include personnel required to staff a drafting office or drafting service authorized and maintained by the House. The Speaker shall make such appointments for this purpose as the House shall authorize.

The compensation of all employees shall be fixed by resolution during each regular session. The Speaker may hire, discharge and adjust salaries of employees subsequent to the adoption of the resolution as allowed by this rule. (HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR2, Reg. Sess., 1971; HR1, Reg. Sess., 2017)

Effect of the 1963 amendment. The rule was completely rewritten. A limitation was placed upon the number of persons to be employed by the House during sessions of the Legislature, positions designated and duties prescribed.

Effect of the 1967 amendment. The amendment substituted the word "employees" for the "attaches" in paragraph (1).

Effect of the 1971 amendment. As a result of the 1970 amendment to the Constitution providing for annual 60-day sessions of the Legislature, the rule was rewritten to remove provisions applicable to the former 30-day session. The amendment made changes in the first and second paragraphs of subdivision (3).

Effect of the 2017 amendment. Updated the rule to reflect the practices of the House and removed outdated job descriptions.

Appointment of Committees and Subcommittees

10. The Speaker shall appoint all committees, except when the House shall otherwise order. In appointing standing committees he shall designate a chairman and may designate a vice chairman. In the absence of the chairman of a committee having a vice chairman, such vice chairman shall preside, and if there be no vice chairman, the committee shall elect a temporary chairman. When the House authorizes the appointment of a committee, the Speaker may wait until the next legislative day to appoint the same.

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and designate the chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of

subcommittees shall be made to the committee and not to the House. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The last paragraph was added to the rule.

Chairman of Committee on Rules

11. The Speaker shall be *ex officio* a voting member and chairman of the Committee on Rules. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Clarified that the Speaker is a voting member of the Committee on Rules.

Acts and Writs Signed by the Speaker

12. All acts shall be signed by the Speaker; and all writs, warrants and subpoenas issued by the order of the House or any committee having authority to issue same shall be under his hand and attested by the Clerk.

Putting Questions

13. The Speaker shall rise to put a question but may state it sitting.

Vote of the Speaker

14. In all cases of a call of the yeas and nays, the Speaker shall vote, unless excused; in other cases he shall not be required to vote unless the House is equally divided, or unless his vote, if given to the minority, will make the division equal and in case of such equal division the question shall be lost. When the yeas and nays are taken, the Speaker's name shall be called last.

CLERK, SERGEANT-AT-ARMS AND DOORKEEPER

CLERK

Examination of Journal

15. It shall be the duty of the Clerk to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected. (HR 1, Reg. Sess., 2017)

Effect of the 2017 amendment. Provided that the Clerk, and not the Speaker, examines the Journal, to bring the rule into conformity with the practices of the House.

Charge of Clerical Business of House

16. The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, the engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The word "employees" was substituted for "attaches".

Clerk to Have Custody of All Records

18. The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Appointment of Assistants

19. The Clerk may appoint such assistants and other personnel as is authorized by code, resolution or by the Rules of the House, and shall have the power to remove any appointee and appoint another in his stead. (HR22, Reg. Sess., 1963; HR1, Reg. Sess., 2017)

Effect of the 1963 amendment. The amendment brought the rule into conformity with Rule 9.

Effect of the 2017 amendment. Specified that the Clerk may appoint personnel as authorized by resolution, rule or West Virginia Code.

Clerk to Have Charge of All Printing

20. The Clerk shall have supervision and charge of all printing done for the House and the printer shall print only such documents and other matter as the Clerk authorizes. (HR 1, Reg. Sess., 2017)

Effect of the 2017 amendment. Removed the word “public” to reflect the establishment of in-house printing.

Payment for Printing

21. Printing of bills and daily journals will be done in the Legislative Print Shop. Bound material and other legislative printing which cannot be done with machines owned or leased by the House of Delegates or the Joint Committee on Government and Finance will be contracted in accordance with Section 34, Article 6 of the Constitution of the State of West Virginia. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Updated the Rule to reflect current printing practices.

SERGEANT- AT-ARMS

Duties

22. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors, and see that the House Chamber is properly ventilated, heated, and lighted. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Technical amendment to bring the rule into conformity with the practices of the House.

DOORKEEPER

Duties

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the House, and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the Speaker or the House may order.

RIGHTS AND DUTIES OF MEMBERS**Absence From the House**

24. No member shall absent himself from the service of the House unless he or she have leave, or be sick and unable to attend, but any member who conscientiously believes that his or her absence is necessary to observe the Sabbath or other religious observance shall be excused from attending upon the House on that day. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Technical amendment to clarify the language.

Effect of the 2019 amendment. Changed the language to be gender neutral.

Every Member to Vote

25. Every member present when a question is put, or when his or her name is called, shall vote unless he or she is immediately and particularly interested therein, or the House excuses him or her. A motion to excuse a member from voting must be made before the House 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 may briefly state the reason therefor. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Changed the language to be gender neutral.

Members Shall Be in Places When Voting

26. While the yeas and nays are being taken every member shall be in his or her seat, and during the session of the House no person other than a member shall occupy the chair of a member. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Changed the language to be gender neutral.

Quorum

27. A majority of all the members elected to the House shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House, send for absentees, and make any order for their censure or discharge. On a call of the House, the doors shall not be closed against any member until his name shall have been called twice. [Const., Art. VI, §32]

When Less Than Quorum Present

28. In case a number less than a quorum of the House shall convene, they 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 House, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House. This rule shall apply to the first meeting of the House, at the legal time of meeting, as well as to each day of the session after the hour has arrived to which the House stood adjourned.

Taking Members into Custody

29. No member of the House 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 House of Delegates, unless by order of the Speaker of the House of Delegates. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. Committee on Rules was substituted for the Committee on Elections.

Punishment of Members

30. The House of Delegates 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. [Const., Art. VI, §25]

Providing for Undisturbed Transaction of Business

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his 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. [Const., Art. VI, §26]

ORDER AND DECORUM IN DEBATE

Recognition and Decorum

32. When a member is about to speak in debate or deliver any matter to the House, he or she shall rise in his or her place and upon being recognized, respectfully address the presiding officer as “MR. SPEAKER” or “MADAM SPEAKER”, as may be appropriate, and proceed, confining himself or herself to the question under debate, avoiding all personalities and indecorous or disrespectful language.

When a member arises and addresses the Chair, the Speaker may recognize him or her by name; but no member in debate shall designate another by name. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Technical amendment to clarify the language.

Effect of the 2019 amendment. Changed the language to be gender neutral.

Recognition by the Chair

33. When two or more members shall rise or request recognition, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the word “or request recognition” and deleted the second sentence which read “However, in all other cases the member who shall rise first and address the Chair shall be first recognized.”

Mover of Question to Have Preference in Debate

34. No question shall be debated until it has been propounded by the Speaker, and then the mover of the question shall have the right to open and close the debate thereon. When the question is the passage of a bill or adoption of a resolution, the Speaker may designate a member to explain the bill or resolution who shall have the right to open and close debate. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the last sentence to the rule, granting the Speaker the authority to designate a member to explain the bill or resolution who shall have the right to open and close debate on final reading.

Member Out of Order and Raising Points of Order or Inquiries of the Chair

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, by rising, announcing a point of order, and addressing the rule being violated when called upon by the Speaker, call him or her to order; in which case the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member so called to order, he or she is at liberty to proceed; if the decision be against him or her, and the case requires it, he or she shall be liable to the censure of the House, or such other punishment as the House may properly impose.

Any member may at any time make an inquiry of the Chair by rising, announcing his or her inquiry and upon recognition by the Speaker, stating his or her point. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Added the procedure for raising points of order or inquiring of the Chair.

Effect of the 2019 amendment. Changed the language to be gender neutral.

Calling to Order for Words Spoken in Debate

36. If a member be called to order for words spoken in debate, the person calling him to order shall ~~repeat the words excepted to and they shall be taken down at the Clerk's table~~ ask that the Clerk take down the words immediately spoken in debate by the member called to order. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words were spoken and before the exception to them was taken. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Required the Clerk to take down the words spoken in debate instead of being repeated.

Decorum During Debate

37. While the Speaker is putting a question, ascertaining the result, or addressing the House, no one shall walk out of or across the House; and when a member is speaking, no one shall engage in conversation or pass between him and the Speaker.

Limitation on Debate

38. No member shall speak except in his or her place, and no member shall speak until recognized by the Speaker, and may not be recognized to speak more than twice on a question, except by leave of the House: *Provided*, That yielding to answer a question shall not count toward the limit of speaking twice set forth in this rule. Questions in the form of argument or debate are out of order. If a question be pending at the time of an adjournment and is renewed on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the House. The House by majority vote may limit debate on any question. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Specified that a member that is asked to take to the floor to answer a question does not lose the right to speak twice on a question.

Members Not to Be Disturbed While Speaking

39. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order if he be transgressing the rules.

Speaking Before Negative is Put

40. (Rescinded by HR1, January 11, 2017.)

Effect of the 2017 amendment. The rule was completely abolished.

PUTTING QUESTIONS AND VOTING

Putting Questions; Division

41. All questions on which the yeas and nays are not taken shall be put in this form, to wit: "As many as are in favor (as the question may be) say 'Aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the Speaker be in doubt as to the result, or if a division is called for by any member, the House shall divide. Those in the affirmative of the question shall first rise from their seats and be counted, and afterwards those in the negative. The count may be made by the Speaker, or, if he so directs, by the Clerk, or two members, one from each side, to be named for that purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision of the House. Such vote shall not be printed in the Journal unless the yeas and nays are called for by one tenth of the members present. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017)

Effect of the 1968 amendment. The language of the rule was modified slightly.

Effect of the 2017 amendment. Removed the word "distinctly" in the first sentence after the words "shall be put".

Yeas and Nays

42. 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 and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of

a bill notwithstanding the objections of the governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, and the names of the Delegates voting yea or nay, whichever is the smaller number, and the names of Delegates absent and not voting shall be inserted on the Journal. The names of Delegates omitted shall constitute the vote on the prevailing side.

On all roll calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any member may correct a mistake committed in taking down his vote. The result shall then be announced, but if the House so orders, the announcement of the result may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear and vote "Aye" or "No," in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under consideration, or until the previous question has been moved and sustained.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last. (HR19, Reg. Sess., 1945; HR3, 1st Ex. Sess., 1968; HR2, Reg. Sess., 2003; HR7, Reg. Sess., 2007)

Effect of the 1945 amendment. Eliminated requirement for Clerk to read names of persons voting in the affirmative and the negative on roll calls when the voting machine is used, and prescribes when the Speaker shall put demand for yeas and nays.

Effect of the 1968 amendment. The amendment rewrote the rule.

Effect of the 2003 amendment. Provides for the taking of yeas and nays on the passage of all bills and clarifies that one roll is sufficient to pass a group of bills on third reading, Consent Calendar.

Effect of the 2007 amendment. Removed the provision covering on roll call vote to pass third reading Consent Calendar bills and restated that a roll call is to be taken on all bills on third reading.

Pairs

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank

form of pair for use of members shall be provided by the Clerk. No pair shall be recognized unless made in person by the member signing the same, nor unless one or both of the parties thereto are absent.

Division of Question

44. Any member may move for a division of any question other than passage of a bill before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House, but the member moving for the division of a question shall state in what manner he proposes it shall be divided. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert. A bill is not divisible on the floor of the House. If the matter of one bill would be better distributed into two, any part may be struck out by way of amendment and introduced as a new bill in accordance with Rule 92. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added language clarifying that a bill is not divisible on third reading.

Calling of Yeas and Nays

45. No member or any person shall visit or remain by the Clerk's table while the yeas and nays are being called.

Tie Vote Loses Question

46. In all cases when the House is equally divided, the question shall be lost.

Verification of Vote

47. When a question upon which the yeas and nays have been taken has prevailed or failed by not more than five votes, the Speaker may, upon request of five members, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification must be called for immediately after a vote is announced and before any other business has intervened.

Explanation of Vote

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes. A member may indicate in writing to the Clerk how the member voted on a voice vote or, if absent when any vote is taken, indicate in writing to the Clerk how the member would have voted if present and it shall be noted in the Journal. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the last sentence to bring the rule into conformity with the practices of the House.

When Members Not to Vote

49. When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. The member with such interest should advise the presiding officer of the facts which constitute the personal and pecuniary interest. If the presiding officer determines based upon the facts provided by the member that the interest is a direct personal or pecuniary interest and affects the member directly and not as a member of a class of five or more similarly situated persons or businesses then the presiding officer shall excuse the member from voting. If the presiding officer determines that the interest is not a direct personal or pecuniary interest or that the member is affected as a member of a class of five or more similarly situated persons or entities then the member shall be directed to vote on the question. (HR23, Reg. Sess., 1977; HR1, Reg. Sess., 2017)

Effect of the 1977 Amendment: Provided that disqualifying interest must affect the member directly and not as one of a class.

Effect of the 2017 amendment. Requests that members advise the presiding officer of a possible personal or pecuniary interest, and clarifies that a class of five or more is used in determining whether a member is a member of a class.

Voting by Machine

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, the Speaker shall promptly announce the result. No vote may be changed after it has been recorded.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be expelled as a member of the House or punished in such other manner as the House may determine. If a person not a member shall vote or attempt to vote for any member, he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

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. (HR1, 1st Ex. Sess., 1936; HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Deleted the requirement that the Clerk hand the record of the vote to the Speaker to bring the rule into conformity with the current practice of the House.

MOTIONS**Stating the Question**

50. When a motion is made, it shall be stated by the Speaker; or, being in writing, it shall be passed to the desk and read aloud by the Clerk before debate.

Form of Motion

51. Every motion, except subsidiary or incidental motions, shall be reduced to writing, if the Speaker or any member desires it; but this exception shall not apply to motions to amend.

Withdrawal of Motions

52. After a motion is stated by the Speaker or read by the Clerk, it is deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case it can only be withdrawn by leave of the House.

Order and Precedence of Motions

53. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
- ~~3.~~ 4. To limit debate.
4. 5. To postpone to a day certain.
- ~~5.~~ 6. To go into a Committee of the Whole on the pending question immediately.
- ~~6.~~ 7. To commit to a Committee of the Whole.
- ~~7.~~ 8. To commit to a Standing Committee.
- ~~8.~~ 9. To commit to a Select Committee.
- ~~9.~~ 10. To amend.
- ~~10.~~ 11. To postpone indefinitely.

These several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting clause of a bill shall have precedence of another motion to amend; and if carried, the bill is rejected. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Added number 4, to limit debate, to the order and precedence of motions.

Motion to Adjourn

54. A motion to adjourn shall always be in order, except when the House is voting, or while a member is addressing the House, or when no business has been transacted since the motion to adjourn has been defeated.

Motions Not Debatable

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

1. To adjourn.
2. To fix the time to which the House shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To limit debate.
- ~~5.~~ 6. To suspend the constitutional rule requiring bills to be read on three several days.
- ~~6.~~ 7. To recess. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Added number five, to limit debate, to the list of motions that are not debatable.

Motions Not in Order

56. No motion directing the appropriation or payment of money shall be in order.

Effect of Indefinite Postponement

57. When a question is postponed indefinitely, it shall not be again acted on during the session.

Motion to Reconsider

58. 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. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to reconsider, or upon reconsideration

shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. 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 day of actual sitting of the House. A motion to reconsider shall not be withdrawn without leave of the House.

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 House 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 House, shall be in order, unless subsequently recalled by vote of the House and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the House the original question in the exact position it occupied before it was voted upon. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The amendment rewrote the rule.

Debate on Motions to Reconsider

59. Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no member shall speak more than once nor for a longer period than three minutes.

Reconsideration of Question Requiring More than Majority Vote

60. When a majority of members present vote in the affirmative on any question, but the question be lost because it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision, any member may move for a reconsideration.

Effect of Motion to Table

61. A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and may be taken from the table at any time after the eighth order of business has been passed.

Motion Must Be Germane

62. No motion on a subject different from that under consideration shall be admitted under color of amendment.

Previous Questions

63. When any question is before the House, any member who has not spoken on the question, when properly recognized, may move the previous question. Any demand for the previous question must be sustained by one tenth of the members present. If sustained, the motion for the previous question shall be put by the Speaker, without debate, in the form of "Shall the question on _____ now be put? If the motion for the previous question is adopted by a majority vote of members present, that question shall be put to a vote without further debate: *Provided*, That if the question is passage of the bill or adoption of a resolution, the Member recognized by the Speaker pursuant to Rule 34 to explain the bill or resolution shall be provided five minutes to close debate. If the question at issue is an amendment, the Member that is the lead sponsor of the amendment shall be provided three minutes to close debate.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only. If the motion applies to the main question and the amendments, separate votes shall be taken on each pending amendment and the main question without further debate, except for the Member having the right to close on the question pursuant to this Rule.

The previous question shall not be admitted in the Committee of the Whole. (HR1, Reg. Sess., 2017; HR5, Reg. Sess., 2017)

Effect of the 2017 amendments. Outlined the procedure to be used when moving the previous question. The rule also clarified what procedure is followed when the motion is adopted.

MEETING OF THE HOUSE

Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at eleven o'clock A.M. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Changed the time from two p.m. to eleven a.m. to reflect the normal meeting time of the House.

ORDER OF BUSINESS

Daily

65. The daily order of business shall be as follows:

- I. To read, correct, and approve the Journal.
- II. Introduction of guests.

- III. To receive and consider reports of standing committees.
- IV. To receive and consider reports of select committees.
- V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.
- VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.
- VII. To receive (a) resolutions, (b) petitions, (c) motions.
- VIII. Bills introduced on motion for leave and referred to appropriate committees.
- IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
- X. House and Senate Bills on third reading.
- XI. House and Senate Bills on second reading.
- XII. House and Senate Bills on first reading.
- XIII. To act upon leave of absence for members.
- XIV. Remarks by members of the House.

Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session.

XV. Introduction of guests.

~~XV.~~ XVI. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019)

Effect of the 2001 amendment. Item II language is new, and original item II was moved to the end of the order, appearing as XIII

Effect of the 2002 amendment. Item XIV language is new, and original item XIV was moved to the end of the order, appearing as XV. Also, after the forty-seventh day of a regular session, there will not be an order of business for remarks of members.

Effect of the 2019 amendment. Added another order of business, Item XV, introduction of guests.

Recess for Introductions of Guests

65a. ~~Upon the request of any member, the Speaker may, not more than twice daily, order a recess for the purpose of introductions. During such recess The House shall observe two opportunities on each day for any member, upon recognition, may to introduce to the House citizens seated in the galleries. No such introduction shall exceed one minute. Rules of order and decorum shall remain in force during such~~

recess as if the House is in session. (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 1978 amendment. Provided for the introduction to the House of citizens in the galleries.

Effect of the 2017 amendment. Eliminated the language that restricted the recess to no longer than five minutes without leave of the Speaker.

Effect of the 2019 amendment. Clarified that the House would only observe two opportunities to introduce guests.

Priority of Business

66. All questions relating to priority of business shall be decided without debate.

Special Orders

67. Any subject made a special order of business shall be laid before the House by the Speaker, or may be called up by any member, when the time fixed for its consideration arrives. If not called up or acted upon at the time fixed, it shall lose its standing as a special order.

Reports and Messages Receivable at Any Time

68. Messages from the Governor and Senate, communications and reports from state officers, reports from the Committee on Rules, reports from the Committee on Enrolled Bills, and reports of Conference Committees may be received at any time when the House is not actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall be disposed of as the House may direct. Messages and reports received by the Clerk after *sine die* adjournment, which do not require actions by the House, shall be considered received by the House and filed with the Clerk and shall be recorded in the Journal. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017)

Effect of the 1967 amendment. Reports from the Committee on Elections were removed from the rule due to another amendment abolishing the committee and transferring its jurisdiction with respect to questions involving the election and qualification of members to the Committee on Rules.

Effect of the 2017 amendment. Added language to the rule regarding the practice which allows messages and reports, which require no further House action, received after adjournment *sine die* to be included in the Journal.

Consideration of Local Bills

(Rescinded by HR1, January 11, 2017)

Effect of the 2017 amendment. The rule was completely abolished.

Special Calendar

70. Unless the House otherwise directs ~~by a majority vote of the members present, beginning on the thirtieth day of each Regular Session and the commencement of any Extraordinary Session~~, the Committee on Rules shall arrange a special calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

~~Beginning on the thirty-first day of each Regular Session and the commencement of any Extraordinary Session, all All bills or resolutions or other matters of business reported from committee, and having no additional committee reference, shall, unless referred to a second committee by the Speaker, automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may only be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present.~~

The Committee on Rules shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Implemented a Special Calendar beginning on the 31st Day of the Regular Session and during any extraordinary session unless the House otherwise directs.

Effect of the 2019 amendment. Deleted the words that read “by a majority vote of the members present, beginning on the thirtieth day of each Regular Session and the commencement of any Extraordinary Session” in the first paragraph, and deleted the words “Beginning on the thirty-first day of each Regular Session and the commencement of any Extraordinary Session” in the second paragraph.

Consent Calendar

70a. Rescinded by HR6, January 16, 2007.

Effect of the 2007 amendment. The rule was completely abolished.

COMMITTEES

Kinds of Committees

71. Committees may be of four kinds, namely: Committee of the Whole House, Standing Committees, Select or Special Committees, and Conference Committees.

Committee of the Whole

72. The House may resolve itself into a Committee of the Whole at any time on the motion of any member, and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee. It shall consider and report on such subjects as may be committed to it by the House. The proceedings in Committee of the Whole shall not be recorded on the Journal except so far as reported to the House by the Chairman of the Committee.

Rules of Proceeding in the Committee of the Whole

73. The rules of proceeding in the House shall be observed, as far as practicable, in Committee of the Whole, except that any member may speak oftener than twice on the same subject, but he shall not speak a second time until every member desiring to speak shall have spoken; nor shall a motion for the previous question nor a motion to lay on the table or to adjourn be made therein. The yeas and nays need not be taken in Committee of the Whole.

Consideration of Bills in Committee of the Whole

74. Upon demand by any member, bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments made shall be noted by the Clerk and reported to the House by the Chairman. After being reported to the House, the bill shall again be subject to amendment before a vote on the report is taken.

Motion to Rise Decided Without Debate

75. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

Standing Committees

76. At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.

Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy
5. Committee on Finance
6. Committee on Fire Departments and Emergency Medical Services

7. Committee on Government Organization
8. Committee on Health and Human Resources
9. Committee on Industry and Labor
10. Committee on Interstate Cooperation
11. Committee on the Judiciary
12. Committee on Pensions and Retirement
13. Committee on Political Subdivisions
14. Committee on Prevention and Treatment of Substance Abuse
- ~~15. Committee on Roads and Transportation~~
- ~~16.~~15. Committee on Rules
17. 16. Committee on Senior Citizen Issues, Children, and Family Issues
- ~~18.~~ 17. Committee on Small Business, Entrepreneurship and Economic Development
18. Committee on Technology and Infrastructure
19. Committee on Veterans' Affairs and Homeland Security

(HR13, Reg. Sess., 1945; HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess. 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019)

Effect of the 1945 amendment. Established a Standing Committee on Veterans' Affairs.

Effect of the 1947 amendment. Reduced number of standing committees from 29 to 24; changed the membership of committees from not less than seven nor more than twenty-five to not less than eleven nor more than twenty-five; and changed the number of members of the Committee on Rules from seven to not less than five nor more than nine.

Effect of the 1967 amendment. The principal change was the reduction of the number of standing committees from 24 to 13. Some provisions of the old rule were embodied in amendments to other rules made at this time.

Effect of the 1977 amendment. Established a Standing Committee on Government Organization.

Effect of the 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of the 1986 amendment. Changed Committee on Health and Welfare to Health and Human Resources.

Effect of the 1996 amendment. Established the Committee on Veterans' Affairs. (HR 4, Reg. Sess., 1996)

Effect of the 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of the 2003 amendment. Renamed the Committee on Veterans' Affairs the Committee on Veterans' Affairs and Homeland Security.

Effect of the 2005 amendment. Added the Committee on Pensions and Retirement as a standing committee of the House.

Effect of the 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues as a Standing Committee of the House.

Effect of the 2014 amendment. Combined the Committee on Agriculture and the Committee on Natural Resources into one committee; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees.

Effect of the 2017 amendment. Established a Standing Committee on Prevention and Treatment of Substance Abuse.

Effect of the 2018 amendment. Added the Committee on Fire Departments and Emergency Medical Services.

Effect of the 2019 amendment. Changed the name of Roads and Transportation to Technology and Infrastructure, and changed the name of Senior Citizen Issues to Senior, Children, and Family Issues.

Jurisdiction of Committees

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. Committee on Agriculture and Natural Resources: (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, etymology and plant quarantine, poultry and poultry products, and human nutrition and home economics; (b) natural resources

in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. Committee on Banking and Insurance: (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. Committee on Education: (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. Committee on Energy: (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; and (d) alternative energy development and efficiency measures.

5. Committee on Finance: (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. Committee on Fire Departments and Emergency Medical Services: (a) Fire departments; (b) emergency medical technicians; and (c) other emergency responders.

7. Committee on Government Organization: (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

8. Committee on Health and Human Resources: (a) Public health and public welfare generally; (b) mental health; (c) public and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

9. Committee on Industry and Labor: (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.

10. Committee on Interstate Cooperation: Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

11. Committee on the Judiciary: (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h)

domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

12. Committee on Pensions and Retirement: (a) Continuing study and investigation of retirement benefit plans of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

13. Committee on Political Subdivisions: (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and (c) division of the State into districts for the election of representatives to Congress.

14. Committee on Prevention and Treatment of Substance Abuse: Issues relating to and regarding the prevention and treatment of substance abuse.

~~15. Committee on Roads and Transportation: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.~~

~~16.~~ 15. Committee on Rules: (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

~~17.~~ 16. Committee on ~~Senior Citizen Issues~~ Senior, Children, and Family Issues: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues and issues related to the welfare of children and families.

~~18.~~ 17. Committee on Small Business, Entrepreneurship and Economic Development: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; and (g) commerce generally.

18. Committee on Technology and Infrastructure: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; (e) regulation of motor carriers of passengers and property for hire; (f) deployment, expansion, regulation and other matters related to public utility services and the internet; and (g) all matters related to the use and expansion of technology in or by the state.

19. Committee on Veterans' Affairs and Homeland Security: (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess., 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2015; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019)

Effect of the 1947 amendment. This rule originally prescribed the duties of the Committee on Elections and Privileges. The 1947 amendment changed the name to Committee on Elections.

Effect of the 1967 amendment. This amendment abolished the Committee on Elections and transferred its functions to the Committee on Rules and revised the rule to include jurisdiction of all standing committees.

Effect of the 1977 amendment. Created the Committee on Government Organization and prescribed its duties.

Effect of the 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of the 1986 amendment. Changed Committee on Health and Welfare to the Committee on Health and Human Resources.

Effect of the 1996 amendment. Created the Committee on Veterans' Affairs.

Effect of the 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of the 2003 amendment. Changed the name of the Committee on Veterans' Affairs to the Committee on Veterans' Affairs and Homeland Security and sets forth its duties and jurisdiction.

Effect of the 2005 amendment. Added the Committee on Pensions and Retirement and set forth its duties and jurisdiction.

Effect of the 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees and set forth their duties. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues and prescribed its duties.

Effect of the 2014 amendment. Combined the Committee on Agriculture and the Committee on Natural Resources into one committee and set forth its duties; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees and set forth their duties.

Effect of the 2015 amendment. Revised language regarding the jurisdiction of the Committee on Rules and the Committee on Veterans' Affairs and Homeland Security.

Effect of the 2017 amendment. Added the Committee on Prevention and Treatment of Substance Abuse and set forth its duties and jurisdiction.

Effect of the 2018 amendment. Added the Committee on Fire Departments and Emergency Medical Services and set forth its duties and jurisdiction.

Effect of the 2019 amendment. Changed the name of Roads and Transportation to Technology and Infrastructure, and changed the name of Senior Citizen Issues to Senior, Children, and Family Issues, and set forth their duties and jurisdiction.

Composition of Committees

78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; the Committee on Fire Departments and Emergency Medical Services of eleven members and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1957; HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR6, Reg. Sess., 1997; HR2, Reg. Sess., 2001; HR2, Reg. Sess. 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2011; HR1, Reg. Sess., 2015; HR3, Reg. Sess., 2018)

Effect of the 1947 amendment. The rule was completely rewritten and the jurisdiction of the committee expanded and delineated.

Effect of the 1957 amendment. At this time the number of members of the Committee on Rules was contained in Rule 76 at not less than five nor more than nine. The amendment changed the number to not less than seven nor more than twelve, and included the Speaker, majority leader and minority leader within the committee membership.

Effect of the 1963 amendment. The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the

committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

Effect of the 1967 amendment. The amendment rewrote the rule fixing membership of all standing committees.

Effect of the 1997 amendment. The amendment increased the maximum number of members of the Committee on Rules by two.

Effect of the 2001 amendment. The amendment decreased the maximum number of members of the Committee on Rules by two.

Effect of the 2003 amendment. Increased the maximum number of members of the Committee on Rules by four.

Effect of the 2005 amendment. Increased the membership of the Committee on Rules and specified that the Speaker may set the number of members on the Committee on Pensions and Retirement.

Effect of the 2011 amendment. The amendment increased the maximum number of members of the Committee on Rules from eighteen to twenty.

Effect of the 2015 amendment. The amendment increased the maximum number of members of the Committee on Rules to twenty-five.

Effect of the 2018 amendment. The amendment added the Committee on Fire Departments and Emergency Medical Services and set the number of members to eleven.

Duties of Committees

79. The several standing committees shall not only consider matters specifically referred to them, but whenever deemed practicable suggest such legislation as will provide upon general principles for all similar cases. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. This rule, originally dealing with the duties of the Committee on Finance, was rewritten and made applicable to standing committees generally.

Bill Not to Be Divided among Committees, Speaker May Direct Second Reference

80. A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees, but must be referred to one committee as an entirety.

When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it, or at the time the bill is reported from a committee to which it has been referred, he may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the additional committee or committees as directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017)

Effect of the 1967 amendment. This rule, originally applicable to the Committee on Claims only, was rewritten.

Effect of the 2017 amendment. Added language to the rule that allows the Speaker to refer a bill at the time the bill is reported from a committee to which it had been referred.

Reports of Committees

81. The several standing committees shall have leave to report by bill or otherwise. All committees shall submit their reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. Committee chairmen shall see that the originals of all bills, resolutions, and such other documents as are referred to them are returned to the House, with the report upon the matter to which they pertain. (HR4, Reg. Sess., 1947)

Effect of the 1947 amendment. Originally, this rule dealt with functions of the Standing Committee on Executive Offices and Library, which was rescinded by the amendment and successive rules renumbered.

Discharging Committee from Consideration of Bill

82. When a bill or resolution has been in the hands of a committee five legislative days after having been referred to it, the committee may be discharged from further consideration of the bill or resolution by a majority vote of all the members present. The chairman of a committee may move that his committee be discharged from consideration of the matter at any time after commitment. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Deleted language at the end of the rule that read "and after the fiftieth day of the session any member may move to discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it".

Committee Meetings

83. Meetings of all committees shall be upon a call of the chairman, but no committee shall sit during a session of the House without leave of the House. It shall be the duty of the chairman of a committee to announce, or have announced, from the floor of the House, or by the Speaker or Clerk, during the session of the House, the time and place of the next meeting of the committee, and at such time, if practicable, announce the bills, resolutions or other business to be considered at such meeting. In case of failure of the chairman of any committee to call a meeting of such committee

upon the request of a member, then fifty percent or more of the members of such committee shall have a right to call a meeting of such committee.

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

All meetings of standing committees shall be open, except a standing committee may, by a majority vote of the members present, hold an executive session for the specific purposes of: (1) Conducting committee discussion of legislative personnel; (2) conducting committee discussion of state government personnel; (3) consideration of and action on charges against a member of the House; or (4) where such meetings involve compiling information, investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons: *Provided*, That the Committee on Rules, while holding an executive session for the specific purposes of (1), (2), (3) and (4) above, shall by roll call vote record any definitive action and shall make such vote record available to the public.

In no other instances shall a vote be taken while a standing committee is holding an executive session. (HR27, Reg. Sess., 1965; HR5, Reg. Sess., 1970; HR5, Reg. Sess., 1971; HR11, Reg. Sess., 1975; HR7, Reg. Sess., 1976)

Effect of the 1965 amendment. A provision was added at the end of the rule providing that no one not a member except the Clerk should be present in a committee when a vote was taken.

Effect of the 1970 amendment. The provision of the rule prohibiting anyone other than the clerk of a committee to be present when a vote was taken was changed to provide that all committee meetings except executive sessions should be open to the public.

Effect of the 1971 amendment. The last paragraph of the rule was added by the amendment.

Effect of the 1975 amendment. Inserted word "resolution" in the first two paragraphs following the word "bills", and added the last paragraph as shown in the text above.

Effect of the 1976 amendment. Deleted paragraph providing for executive session to set special daily calendar.

Committee Hearings

84. Subject to the provisions hereof, a public hearing shall be held upon the timely written request of any member or citizen on any bill that is placed upon a committee agenda. A request for a public hearing shall be considered timely if the request is made prior to the bill being explained in the committee in which the request is made.

If the request for a public hearing is made in writing before the committee agenda has been published, the Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure.

If the request for a public hearing is made after the committee agenda has been published, either: (1) The Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure; (2) for any measure referred to an additional committee, the Chair of the Committee in which the request was made may proceed to consider the measure, in which case the public hearing shall be held by the additional committee to which the measure is referred, if such measure is placed on the agenda of such additional committee, prior to the additional committee's consideration of the measure; or (3) if the measure is not referred to an additional committee, the Chair may proceed to consider the measure and hold the public hearing prior to the measure being considered for passage.

For purpose of this Rule 84, publication of notice of public hearing shall be deemed to have been effective when the public hearing has been announced on the floor of the House. The subject, time and location of any public hearing shall also be placed on the legislative website. No public hearing shall be scheduled sooner than the second calendar day following announcement of the hearing on the floor of the House.

The Chair of the Committee may limit the time of proponents and opponents at such hearing. The hearing may be conducted by the entire committee or a subcommittee thereof, as the committee shall direct.

When a bill is referred to more than one committee, no more than one hearing shall be required when properly and timely requested under the provisions of this rule: *Provided*, That a public hearing request made after the 43rd day on House bills or after the 53rd day on Senate bills shall not be in order unless such bill is originated in committee, in which case the request for a public hearing shall be granted and the public hearing shall be scheduled in accordance with this Rule: *Provided further*, That after the 43rd day, in order to conduct the business of the House in a timely and efficient manner, the House may, by a vote of a majority of the members present, provide for a hearing to be held sooner than the second calendar day following announcement of the hearing on the floor of the House and may limit the number and length of public hearings, if there are public hearing requests pending for more than five bills in any committee. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR44, Reg. Sess., 2012; HR1, Reg. Sess., 2017)

Effect of the 1965 amendment. The amendment provided for committee hearings to be held either by the full committee or a subcommittee and directed that all hearing should be open to the public.

Effect of the 1971 amendment. The amendment rewrote the first paragraph and added the second paragraph.

Effect of the 2002 amendment. Clarifies when public hearings shall be held and eliminates the necessity of holding duplicate hearings.

Effect of the 2012 amendment. The amendment completely rewrote the rule, setting forth details for requests for and the holding of, public hearings.

Effect of the 2017 amendment. Revised and clarified guidelines for the committee hearing process and timelines of when public hearings are to be held.

Witnesses Before Committees

84a. Every committee of the House shall administer oaths to any person, except current members or employees of the West Virginia Legislature, appearing before the committee at any meeting, with the exception of a public hearing or during the deliberations of any 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 House and upon motion duly made by any member of the House, the House 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 any member of the committee. The Clerk of the House, the chairman of the committee and, in the absence of the chairman, the committee clerk or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness. (HR1, Reg. Sess., 2017; HR 5, Reg. Sess., 2017)

Effect of the 2017 amendments. Required every witness, except current members or employees of the West Virginia Legislature, appearing before a committee to be administered an oath.

Committee Clerks

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be necessary to properly carry on the work of the committees. Committee clerks shall keep such records and perform such duties as the chairmen of the respective committees may direct.

Committee Records

86. The chairman of each committee shall keep, or cause to be kept, a record in which there shall be entered:

- (a) The time and place of each hearing, and of each meeting of such committee.
- (b) The attendance of committee members at each meeting.
- (c) The names and addresses of all persons appearing before the committee, with the name of person, persons, firm or corporation, and addresses, in whose behalf such appearance is made.
- (d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a yea and nay vote is taken.

Such a record shall be read and approved at the next regular meeting of the committee. The committee records shall be open to inspection of the public at proper times and places and at the close of the session shall be filed with the Clerk of the House.

Committee Quorum; Subcommittees

87. A majority of any committee shall constitute a quorum for the transaction of business. A subcommittee, which shall report to the regular committee, may be appointed to consider and report to the committee on any matter referred to it.

Minority Views

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee. If the minority or any committee presents its recommendations after the report of the committee has already been received, it shall still be printed in the Journal. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the last sentence to the rule.

House Rules to Govern Committee

89. The rules governing the proceedings of the House shall apply to the proceedings of the committee, insofar as the same are applicable.

Select or Special Committees

90. Select or special committees may be provided for on motion or resolution, designating the number and object, and, unless otherwise ordered, shall be appointed by the Speaker.

Conference Committees and Reports

91. All reports of conference committees shall be presented after having been signed by a majority of the conferees of each house and be printed in the Journal. No matter shall be considered by said committee, or reported upon by it, except that in disagreement between the two houses.

BILLS, RESOLUTIONS AND PETITIONS**BILLS AND JOINT RESOLUTIONS****Time Limit on Introducing**

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the thirty-fifth day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The thirty-fifth day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under provisions of this rule, duplicate copies of the joint resolution or bill shall accompany the resolution or bill when

introduced. (HR22, Reg. Sess., 1981; HR17, Reg. Sess., 1994; HR11, Reg. Sess., 1995; HR3, Reg. Sess., 2008; HR1, Reg. Sess., 2015; HR 1, Reg. Sess., 2017).

Effect of the 1981 amendment. The rule was rewritten in order to provide for introduction of House bills after the fiftieth day by a simple House resolution rather than a concurrent resolution. The rule also provides that bills may originate in committee after the fiftieth day.

Effect of the 1994 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the fiftieth.

Effect of the 1995 amendment. The rule was changed to set the last day for bill introduction at the forty-fifth day of the session, instead of the forty-first.

Effect of the 2008 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the forty-fifth.

Effect of the 2015 amendment. The rule was changed to set the last day for bill introduction at the forty-second day of the session, instead of the forty-first.

Effect of the 2017 amendment. The rule was changed to set the last day for bill introduction at the thirty-fifth day of the session, instead of the forty-second. Also changed the required number of copies to two for joint resolutions and bills to reflect the practices of the House.

Method of Introducing

92. Bills for introduction in the House on the opening day of any session of the Legislature may be filed with the Clerk not later than the day preceding the opening of such session. During sessions bills to be introduced shall be filed with the Clerk not later than 12:00 o'clock meridian on the legislative day next preceding their introduction. Before formal introduction, the Clerk shall number such bills as are presented and edit and correct them as to form. When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills by title in the same manner as if it were introduced from the floor. This rule shall not deny a member the right to introduce a bill from the floor in case of urgency. (HR26, Reg. Sess., 1963; HR3, 1st Ex. Sess., 1968; HR3, Reg. Sess., 1972)

Effect of the 1963 amendment. The "fiscal note" rule was added.

Effect of the 1968 amendment. The amendment changed the time for filing bills for introduction from 4:00 P.M. to 12:00 Noon.

Effect of the 1972 amendment. The amendment rewrote the rule, the principal change being to remove the "fiscal note" provisions from this rule and place them in a new rule, 95a.

Bill Carryover

92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only

at the request of the sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than thirty days prior to the commencement of the session.

After receiving notice from the first-named sponsor of his or her intent to carry over the bill, the Clerk of the House shall notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session. (HR 2, Reg. Sess., 1988; HR 12, Reg. Sess., 1996; HR1, Reg. Sess., 2017)

Effect of the 1988 amendment. Allowed House bills or joint resolutions pending at the time of *sine die* adjournment of the 1st Regular Session to carryover to the 2nd Regular Session.

Effect of the 1996 amendment. Allowed bill or joint resolution to be carried over at the request of the first-named sponsor. Allows cosponsors to have ten days after date of notice to notify Clerk to have their name removed.

Effect of the 2017 amendment. Changed the rule to require that the sponsor must request that a bill or joint resolution be carried over, and that such request must be made thirty days prior to session instead of ten.

Bills to Be Presented in Duplicate

93. All bills for introduction shall be presented in duplicate, bearing the name of the first-named sponsor and the name or names of all sponsors by whom they are to be introduced. The original copy shall constitute the official bill for use of committees and for the permanent files of the House, and one copy shall be for the Clerk's office files. (HR3, 1st Ex. Sess., 1968; HR12, Reg. Sess., 1996; HR29, Reg. Sess., 2011)

Effect of the 1968 amendment. The amendment rewrote the rule, the principal change being to require a bill for introduction to be presented in quadruplicate instead of triplicate.

Effect of the 1996 amendment. Provides for placing the name of the first-named sponsor and the name or names of all cosponsors on all bills to be introduced.

Effect of the 2011 amendment. The principal change was to require a bill for introduction to be presented in duplicate instead of quadruplicate.

Joint Sponsors of Bill

94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill. (HR40, Reg. Sess., 1937; HR18, Reg. Sess., 1992; HR15, Reg. Sess., 2005)

Note: This rule was originally adopted as Rule 94a. In 1992, the number was increased to seven and in 2005, it was raised to eleven.

Introduction of Bills by Request

94a. 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. (HR13, Reg. Sess., 1988)

Effect of the 1988 amendment. Allowed for the introduction of bills by request.

Removal or Addition of Name as Sponsor of a Bill or Resolution

94b. Any Delegate whose name appears as a cosponsor of a bill or resolution may have his or her name removed as a sponsor of the bill or resolution by submitting a written request to the House Clerk not later than the day the bill or resolution is reported from its final committee: *Provided*, That the removal shall only be permitted if the member is not the last remaining sponsor of the bill or resolution.

Any Delegate wishing to be added as a cosponsor of a bill or resolution shall be added by the Clerk if written request is made to the Clerk not later than the day the bill or resolution is reported from its final committee if the lead sponsor of the bill or resolution agrees in writing to the addition and if the bill has less than the maximum number of sponsors allowed by these rules.

Nothing herein requires reprinting by the Clerk of paper copies of the bill to reflect the addition or removal of sponsors. Any such changes shall appear in electronic form only until reprinting of the bill is required by these rules. (HR8, Reg. Sess., 2015)

Effect of the 2015 amendment. This rule was created to change the process for adding or removing a member as a sponsor of a bill or resolution.

Reference to Committees

95. Bills introduced by any member, on motion for leave, or by any standing committee, shall be read by their titles and referred to the appropriate committee without printing, and all such bills shall be treated in committee as resolutions of inquiry. If the committee report a bill different from one so introduced, either by amendment or substitution, such bill shall be received and treated in the House as the original bill, and the committee report and Journal of the House shall show that the bill was either amended or substituted in committee: *Provided*, That in no instance shall a House or Senate bill be referred to the Committee on Rules. (HR2, Reg. Sess., 1975)

Effect of the 1975 amendment. No bill shall be referred to the Committee on Rules.

Fiscal Notes

95a. Prior to consideration, by the House or by any committee thereof, of 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, which "fiscal note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual," prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

A legislator introducing a bill requiring an increase in the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State should have attached thereto the legislator's specific plan, idea, method or manner for generating the revenue needed or required by the proposed bill.

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.

Rule 95a, as amended herein, shall not take effect until January 15, 1989.

No Act shall be void or voidable for noncompliance with this rule. (HR7, Reg. Sess., 1979; HR14, Reg. Sess., 1988)

Note: A fiscal note rule was adopted in 1963 as a part of Rule 92, but was suspended from session to session until it went into effect at the 1969 Regular Session.

Effect of the 1979 amendment. Effective January 15, 1980, fiscal notes are required of all political subdivisions. The amendment also allowed a bill to be considered, if in the opinion of the chairman of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested.

Effect of the 1988 amendment. Provides for legislator introducing bill to attach plan, method or manner for generating necessary revenue.

Correctional System Fiscal Impact Note

95b. Prior to consideration, by the House or by any committee thereof, of any bill which proposes to create new criminal conduct punishable by incarceration, or either increases or decreases any criminal penalty involving a term of incarceration, the Division of Corrections, in conjunction with any applicable State agency, shall provide a correctional system fiscal impact note outlining the projected fiscal impact on the State's correctional system of the legislative proposal. The note shall include projected increases or decreases in persons incarcerated, the fiscal impact the proposal likely will have on existing availability of correctional facilities and facility space; whether the proposal will likely decrease or increase inmate populations and, in the case of increased inmate populations, whether additional costs will necessarily be incurred for expanded and increased correctional or jail facilities, equipment and personnel and, if so, the projected cost therefor.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

No act shall be void or voidable for noncompliance with this rule. Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. for HR31, Reg. Sess., 2005)

Effect of the 2005 amendment. Added the last three paragraphs to the rule.

Economic Impact Statement

95c. Upon the introduction of any legislation which has a potential impact on the state's economy, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing an Economic Impact Statement. The Economic Impact Statement may address the probable effect of any proposed legislation on the economy of the State of West Virginia including, but not limited to, the effect of the legislation on employment, job creation or reduction, and compensation. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. The Speaker may also request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the economic impacts of the legislation. It shall be the responsibility of the Speaker to obtain any requested Economic Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and additional contents of the Economic Impact Statement.

The phrase “Economic Impact Statement” or the initials “ES” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation. (HR1, Reg. Sess., 2015)

Effect of the 2015 amendment. Created rule relating to Economic Impact Statement.

What Bills to Contain

96. Bills proposing laws or changes in laws shall consist of a title, beginning with the words “A BILL to” and contain a brief statement of the object of the proposed measure, and if it amends or changes a law, a reference to the law proposed to be changed. The bill proper shall begin with the enacting clause, “Be it enacted by the Legislature of West Virginia,” and state at large the measure proposed. [Const., Art. VI, §30.]

Bill Not to Embrace More Than One Object

97. No bill shall embrace more than one object, and that shall be stated in the title, and no law shall be revived or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large in the new act. [Const., Art. VI, §30.]

Reporting Bills from Committee

98. When a bill is reported from committee with the recommendation that it do pass, it shall be placed on the calendar for the succeeding day and come up on first reading unless the House by action otherwise directs. If on the calendar when referred, it shall be replaced on the reading from which it was taken.

If a bill be reported favorably with amendments, the report and Journal shall so show, and when the bill reaches second reading the committee amendments shall be acted upon before other amendments are offered, except amendments to the committee amendments.

If a committee to which a bill has been referred reports that the same ought not to pass, the Speaker shall immediately propound the question, “Shall the bill be rejected?” If this question is decided in the negative, the bill shall be disposed of in the same manner as if reported favorably.

Printing of Bills

99. (HR2, Reg. Sess., 1967; Rescinded by HR1, January 11, 2017.)

Effect of the 1967 amendment. The amendment changes the stage at which bills are to be printed from when advanced to second reading to when reported from committee.

Effect of the 2017 amendment. The rule was completely abolished and Rule 104 rewritten to reflect current technology and practices.

Recommitment of Bills

100. A bill may be recommitted at any time before it passes. Should such recommitment take place after its engrossment, and an amendment be reported, the bill shall be placed on second reading when reported back.

Reading Bills

101. Before any bill is read by the Clerk, he shall state to the House whether it is on first, second or third reading.

Bills to Have Three Readings

102. No bill shall become a law until it has been fully and distinctly read on three different days, unless in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with. Upon any bill there may be a motion to dispense with the constitutional rule, in order that the bill may be read twice or three times on the same day, and upon the first or second reading of any bill there may be a motion to dispense with the constitutional rule in order that the bill may, upon such reading, be read by its title: *Provided*, That in all cases there shall be three readings on each bill, and that an engrossed bill shall be fully and distinctly read. [Const., Art. VI, §29]

Bills - First Reading

103. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially directs. On the first reading of a bill, it may at any stage of the reading be rejected on motion.

Bills - Printing and Availability to Members

104. Electronic versions of all bills shall be made available promptly on the Chamber Automation System once introduced and printed version of all bills will be made available when requested from the Legislative Print Shop. (HR31, Reg. Sess., 1971; HR4, Reg. Sess., 2002; HR7, Reg. Sess., 2005; HR 1, Reg. Sess., 2017)

Effect of the 1971 amendment. The amendment rewrote the rule. The last paragraph was added.

Effect of the 2002 amendment. The last paragraph was added as a result of the installation of the Chamber Automation System.

Effect of the 2005 amendment. Provides that the House may consider bills, resolutions and other documents in case of failure of the Chamber Automation System or failure of the Clerk to provide reproduced copies of the measures to be considered.

Effect of the 2017 amendment. Updated the rule to reflect current printing practices.

Amending and Engrossing Bills

105. On the second reading of a bill on the demand of any two members, it shall be read section by section for amendment, and when the amendments as may be moved are disposed of, the question, unless the House otherwise order, shall be, if a House bill, "Shall the bill be engrossed and ordered to the third reading?" If a House bill shall be ordered to its engrossment and third reading, and amendments have been made thereto, the type from which the bill was originally printed shall be changed to conform with the amendments. The bill shall then be reprinted and shall be the engrossed bill, and shall be designated as such. If no amendments are made the bill as originally printed may be ordered to its third reading and shall become the engrossed bill, and shall be designated as such. All House bills ordered to their engrossment and third reading shall be jacketed and engrossed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a House bill is passed by the Senate and returned to the House without amendment, or if amended and the amendment or amendments be agreed to, it shall then be turned over to the Joint Committee on Enrolled Bills. In the case of a Senate bill on second reading, if the same be amended by the House and passed as amended, the amendment or amendments shall be noted in full on slips of paper in typewriting and attached to the bill at the proper place by the Clerk before the bill is returned to the Senate, and all the amendments shall also appear in the House Journal.

Time Bills to Go into Effect

106. In the passage of a bill by the House, a motion may be made that it take effect from its passage, or at some time other than ninety days after its passage; and if said motion be adopted by a vote of two thirds of all the members elected to the House, taken by yeas and nays, the Clerk shall communicate that fact to the Senate along with the bill. [Const., Art. VI, §30]

Senate Bills

107. Senate bills passed by the Senate and reported to the House shall be referred to the appropriate committee unless the House otherwise directs. After this they shall be treated in the same manner as House bills.

RESOLUTIONS

Resolutions

108. Resolutions shall be of three classes, as follows:

(1) *Joint Resolutions*: All proposed amendments to the State Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be read on three several days, and, to be adopted, must on its third reading be agreed to by a two-thirds vote of the members elected to the House. When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions thereto short of the final question.

(2) *Concurrent Resolutions*: Concurrent resolutions shall be used for the purpose 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.

(3) *House Resolutions*: These simple resolutions shall be used for expressing the will or order of the House on matters in which the concurrence of the Senate is not necessary. A House resolution shall be proper to express the sentiments of the body, to authorize expenditures from its contingent fund, for agreeing upon any question, and for all incidental purposes pertaining to the organization and work of the House. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The amendment inserted the word "State" preceding the word "Constitution" in line one of subdivision (1).

Note: Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution. Such resolutions do not have to be submitted to the Governor for his approval.

Policy of the House as to Concurrent and House Resolutions; Defining Purpose and Scope of Such Resolutions

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and House resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and 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.

Such 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.

Any concurrent or House resolution shall be submitted to the Clerk for determination of compliance with this rule. (HR3, Reg. Sess., 1974; HR1, Reg. Sess., 2015)

Effect of the 1974 amendment. This section was added by HR 3, Reg. Sess., 1974. Resolutions shall not embrace congratulatory expressions to individuals, organization, etc., having no relation to the Legislature. All resolutions must have preintroduction review by the Committee on Rules.

Effect of the 2015 amendment. Required concurrent or House resolutions to be submitted to the Clerk instead of the Committee on Rules for determination of compliance with this rule.

Introduction of Resolutions

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. They shall be presented in duplicate and copies shall be for the same purpose as that of bills. When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were introduced from the floor. This rule does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017)

Effect of the 1968 amendment. The word "triplicate" was changed to "quadruplicate."

Effect of the 2017 amendment. The word "quadruplicate" was changed to "duplicate."

Action on Resolutions

110. Upon introduction, all resolutions shall be read by their titles, referred to the appropriate committee, and be inserted in full in the Journal. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the ninth order of business the following legislative day.

Joint resolutions proposing amendments to the State Constitution shall be treated as bills and proceedings thereon shall be in accordance with section two, article fourteen of the State Constitution.

Resolutions adopted by the Senate and reported to the House shall be subject to the same rule as that governing resolutions introduced in the House.

PETITIONS

Petitions

111. All petitions, remonstrances, memorials and other papers addressed to the House shall be filed by the member with the Clerk prior to the convening of the House. When in the regular order of business the time is reached for presenting petitions or any such papers, the Clerk shall read a list of those on file, giving the member's name presenting same and a brief summary of the contents thereof, and the same shall be referred to the committee of the member's selection unless otherwise ordered by the House. Each member, upon filing any such petition, remonstrance or other paper, shall endorse thereon his name, and if not so endorsed it shall not be received. The Journal shall show the name of the member presenting such papers, a brief resume of the contents thereof, and the disposition made of same. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Technical cleanup.

AMENDMENTS**Forms For**

112. Amendments are to be submitted to the Clerk in writing and a duplicate copy is to be filed electronically for viewing in the Chamber Automation System. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. The rule was rewritten to reflect current technology.

Must Be Germane

113. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

Time for Offering

114. Amendments may be offered to any bill or joint resolution and acted upon on their second reading and before they are ordered to their engrossment and third reading. No bill shall be amended on third reading, except by unanimous consent of the members present. Amendments to resolutions other than joint resolutions shall be in order at any time the same are being considered. Committee amendments shall be subject to amendment and shall be disposed of before any other amendments are in order.

Reading and Stating

115. Amendments shall be read by the Clerk and stated by the Speaker before being acted upon.

By Striking Out Enacting Clause

116. A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Amendment to an Amendment

117. A motion to amend a pending amendment may be received, but until it is disposed of no other motion to amend will be in order. But pending such amendment, a motion to amend in the nature of a substitute, and a motion to amend that substitute, may be received, but shall not be voted upon until the original matter is perfected.

Amendment to Have Precedence Over Substitute

118. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

Motion to Amend to Have Precedence Over One to Strike Out

119. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

Filling Blanks

120. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

No Amendment by Way of Rider

121. No amendment by way of rider shall be received to any bill after engrossment.

Agreeing to Senate Amendments

122. When a House bill or House joint resolution shall be amended by the Senate, the question on agreeing to the bill or resolution as amended shall be again voted on by yeas and nays, and the result entered on the Journal, and in such a case the affirmative vote of a majority of the members elected to the House shall be necessary. [Const., Art. VI, §31]

Amendment by Section

123. If a bill is being considered section by section, only amendments to the section under consideration shall be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that an amendment seeking to strike out matter previously inserted and containing substantially no new proposition shall not be in order.

Amending Titles

124. After the passage of a bill or joint resolution, amendments to its title may be offered when the title is read for approval.

Amendments to Senate Bills

125. Any Senate bill or resolution may be amended in the same manner as a House bill or resolution. If a Senate bill or resolution is amended, the same shall be noted by the Clerk on the jacket containing same before it is reported to the Senate.

After the reading of a Senate amendment to a House bill or resolution, the question shall be, "Will the House concur in the Senate Amendment?" But it shall be in order to move that the House concur in the Senate amendment with an amendment; or that the House refuse to concur and ask the Senate to recede.

If the Senate shall refuse to concur in a House amendment to a Senate bill or resolution, the following motions shall be in order and shall be privileged in the order named: First, That the House recede; Second, That the House insist and ask for a committee of conference; Third, That the House adhere.

Amendments to Be Printed in Journal

126. All amendments proposed, unless withdrawn, shall be printed in the Journal.

Speaking on Amendments

127. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

JOURNAL**Clerk to Keep**

128. The Clerk of the House, under the direction of the Speaker, shall keep a full and correct Journal of the proceedings.

Approval and Correction

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

Printing Official Copies

130. After the printed Journal has been approved and fully marked for correction, the type from which it was printed shall be changed in accordance therewith. From the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal, which shall be properly indexed. In addition thereto six copies shall be printed on 6x9 heavy weight bond paper, with a certificate at the end thereof, certifying that the same is the Official Journal of the House and the same shall be signed by the Speaker and Clerk. Such printed Journal shall be the official record of the House. They shall be bound in flexible binding, and bear the imprint on the back, "Official Journal of the House of Delegates of West Virginia," with designation of regular or special session, as the case may be, and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, and one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Department of Archives and History, and one with the Clerk of the Senate.

Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the Legislative Print Shop. An electronic version of the Journal is to be posted on the Chamber Automation System and printed copies are to be available on request prior to the start of the next session. (HR 1, Reg. Sess., 2017)

Effect of the 2017 amendment. The rule was revised to reflect current technology and practice.

Form and Content of Journal

132. The Journal shall be kept and published in minute form so as to show a running account of all proceedings and actions taken. Every written motion, unless it be withdrawn on the same day submitted and before action has been taken thereon, and such other material and matters required by these rules and the joint rules of the Senate and House shall be printed in the Journal. No remarks of members, speeches, newspaper editorials and articles, or other material shall be printed in the daily Journal, except explanations of votes as provided by these rules and such portions of remarks as may be necessary for the record in instances where a member may be called to order for words spoken in debate.

The Clerk shall keep and publish an Appendix to the bound and official Journals of each session of the House. There shall be included in the Appendix all remarks of members and other material ordered printed by the House.

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request. (HR2, Reg. Sess., 1961; HR10, Reg. Sess., 2000)

Effect of the 1961 amendment. The rule was expanded extensively in delineating the form and content of the Journal, providing for an Appendix to the Journal and the printing therein of remarks of members and other material.

Effect of the 2000 amendment. Permits a member to request remarks of another to be printed in the Appendix with the consent of the member making the remarks.

Inserting Remarks in Journal

132a. (HCR 15, Regular Session 1959; rescinded by HR 2, Regular Session 1961.)

Note: A typographical error in the Journal shows the repealed rule as 122a instead of 132a.

CHANGE OR SUSPENSION OF RULES

Rescinding or Amending Rules

133. All propositions to amend or rescind any standing rule or order of the House shall be by resolution and be at once referred, without debate, to the Committee on Rules, and shall be reported therefrom within five legislative days thereafter. Any such resolution may be adopted by a majority vote, a quorum being present. (HR4, Reg. Sess., 1974)

Effect of the 1974 amendment. The rule was rewritten with the principal change being that a standing rule or order after being referred to the Committee on Rules shall be reported therefrom within five legislative days.

Note: The power to make its rules of procedure is given the House under Sec. 24, Art. 6 of the Constitution.

Suspension of Rules

134. These rules shall not be suspended, except by a vote of at least two thirds of the members present. Unless there be a unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

Note: The motion to suspend the rules is usually preceded by a member requesting unanimous consent of the House to do a particular thing. If no one objects, the House is deemed to assent, and what is desired is allowed accordingly. If objection is made, then the member may move that the rules be suspended for the specific purpose or object he has in view. A motion to lay on the table may not be applied to a motion to suspend the rules. (Hind's Precedents, Sec. 5405.)

Manual and Rules

135. On any question of order or parliamentary practice where the rules of the House or the joint rules of the House and Senate are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practices of the House of Representatives of the United States Congress shall be considered as authority.

Note: Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the United States Senate in the years he was Vice President, from 1797 to 1801. The House of Representatives, in 1837, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. (House Manual and Digest), 70th Congress, 1st Sess., Sec. 278.

Miscellaneous Rules

Persons Admitted to the Floor – Members' Gallery

136. No person except members of the Congress of the United States, members of the State Senate, former members of the West Virginia Legislature, the Clerk of the Senate, duly accredited representatives of the press, radio and television, and legislative employees engaged in the proper discharge of their duties shall be admitted within the House Chamber while the House is in session. No introductions shall be made while the House is in session. At the convening of the House, the Sergeant at Arms shall see that all persons not entitled to the privilege of the floor under this rule retire from the Chamber.

The west or center balcony of the House Chamber shall be designated "Members' Gallery" and reserved for guests of members of the House, and admission thereto shall be by pass in such form as may be approved by the Committee on Rules and signed by member issuing the same to a guest. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1967)

Effect of the 1961 amendment. The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in

session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor's secretary; prohibited introductions while the House is in session; and designated the west gallery as the "Members' Gallery" and provided manner for admission of guests thereto.

Effect of the 1967 amendment. The word "employees" was substituted for "attaches."

Smoking and Use of Tobacco Products Prohibited

136a. Smoking and the use of tobacco products are prohibited in the House chamber and House galleries during sessions and in House committee rooms during committee meetings or public hearings. (HR19, Reg. Sess., 1990; HR6, Reg. Sess., 2000)

Effect of the 1990 amendment. Prohibited use of tobacco in House chamber and galleries during sessions and in committee rooms during meetings or public hearings.

Effect of 2000 amendment. Prohibited smoking in the vestibule of the House Chamber.

Attire of Persons Admitted to Floor

136b. No member of the House or any person who has privileges of the floor, except pages, individuals authorized to be present for special ceremonies, television camera operators, media photographers, sound technicians and maintenance personnel, shall be admitted to the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie and dress pants by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females. Jeans or shorts shall not constitute proper attire (HR1, Reg. Sess., 2017).

Effect of the 2017 amendment. Specifies that jeans or shorts do not constitute proper attire.

Lobbying in the House Chamber

137. No person engaged in lobbying, including persons entitled to the privilege of the floor under Rule 136 when engaged in lobbying activities, shall be permitted upon the floor of the House or in the foyer thereto at any time during a session of the Legislature. If any person not a member while within the Chamber when the House is in session attempts in any manner whatsoever to influence the vote or opinion of any member upon any subject of legislative consideration, he shall be removed from the Chamber and be debarred therefrom during the remainder of the session. Any employee who shall, at any time, engage in such activity shall be subject to immediate dismissal. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1963; HR2, Reg. Sess., 1967)

Effect of the 1961 amendment. The rule was rewritten. The last sentence relative to dismissal of House employees for engaging in lobbying was a new provision.

Effect of the 1963 amendment. This amendment made the rule applicable to persons entitled to the floor under Rule 136 such as former members.

Effect of the 1967 amendment. The word “employee” was substituted for the word “attache.”

Registration of Lobbyist

137a. Rescinded by H. R. 19, February 6, 1978.

Effect of the 1978 amendment. The rule was rescinded and a joint rule was added to cover both houses.

Note: Joint Rule 28 was created by SCR1, Reg. Sess., 1978, and later rescinded by SCR2, 2nd Ex. Sess., 1990. Lobbyist currently register with the West Virginia Ethics Commission.)

Use of electronic communication devices prohibited

137a. Unless authorized by the speaker, no person may use a cell phone to make or receive a call on the House floor during a session. A cell phone or other electronic device may be used in the vestibule of the House Chamber or other locations designated by the Speaker. Members are prohibited from communicating by any means with any person not on the House floor, other than other members of the Legislature or legislative staff, regarding the passage or defeat of any pending legislative matter, while such matter is being debated or considered for passage. (HR6, Reg. Sess., 2005; HR1, Reg. Sess., 2017)

Effect of the 2005 amendment. The rule was added to prohibit the use of cell phones or other electronic communications devices on the floor during a session of the House.

Effect of the 2017 amendment. Updated the rule by making technical changes regarding electronic devices.

News Correspondents and Reporters

138. (a) Any person accorded the privilege of the press gallery or press table must be a news correspondent or reporter for a newspaper, a radio or television station, or of a recognized press association, who is not engaged in any department of state government, or in any other business; and no more than one representative of each shall be admitted to the press table or press gallery at one time.

(b) All applications for admission to the press gallery or press table must be made to the Speaker. Such applications shall state the name and location of the newspaper, news association, radio or television station, and be signed by the applicant. The Speaker may request the news representatives to establish a committee on accreditation of applicants, and he shall consider recommendations made by such committee.

(c) The Speaker shall verify statements made in such application, and if the application is approved by him, he shall issue a correspondent's card, signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the Rules Committee of the House.

(e) The card issued by the Speaker must be presented when required by any Sergeant at Arms. It shall not be transferable. The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or press tables allotted to news correspondents shall be for their exclusive use, and persons not holding correspondents' cards shall not be entitled to admission thereto.

Lounging Prohibited in the Hall of the House

139. It shall be the duty of the Sergeant at Arms to prevent all persons not connected with the Legislature from assembling in the halls at any time when the House is not in session for the purpose of lounging or loafing. For the purpose of enforcing this rule, the Sergeant at Arms or his assistants shall be in attendance at all times, and the persistent neglect or disregard of this rule shall be cause for dismissal by the Speaker, or removal.

Peddling Prohibited

140. No person shall be permitted to hawk, peddle or offer for sale any article of traffic at any time within the hall of the House; and it shall be the duty of the Sergeant-at-Arms to strictly enforce this rule.

Regulating Use of Halls

141. The Speaker shall have power to regulate the use of the halls and stairways of the part of the Capitol building used by the House for refreshments and like purposes when the Legislature is in session.

Oaths

142. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

Janitors

143. The janitors appointed for or assigned to the House shall, under direction of the Speaker, have care of the House Chamber, committee rooms and halls of the House and keep the same in a neat and proper condition at all times.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

H. R. 2 - "Authorizing the publication of a Legislative Manual and authorizing payment of travel and other expenses of the House."

Resolved by the House of Delegates:

I. That the Clerk of the House of Delegates is hereby authorized to compile and have printed a Legislative Manual containing the rules of the Senate and of the House of Delegates and such matter and material as he may deem to be useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

II. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 84th Legislature.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

H. R. 3 - "Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates."

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 150 copies of the Acts of the 2019 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

The Clerk of the House of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of Delegates for the first regular session of the 84th Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and five copies of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

Copies of the Acts of the Legislature or Journals of the House of Delegates may be provided in electronic format if requested or if demand exceeds the number of available printed volumes.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

H. R. 4 - "Authorizing the appointment of employees for this, the First Regular Session of the Eighty-fourth Legislature, two thousand nineteen."

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Five Legislative Assistants at \$80.00 - \$95.00

Three Committee Clerks at \$90.00 - \$150.00

Four Committee Assistant Clerks at \$75.00 - \$110.00

Eight Analysts at \$80.00 - \$110.00

Seven Attorneys at \$200.00 - \$399.00

One Doorkeeper at \$155.00

Seven Assistant Doorkeepers at \$85.00

One Sergeant-at-Arms at \$155.00

One Head Page at \$110.00

One Assistant Page at \$80.00

Three Clerk Assistants at \$85.00 - \$160.00

One Messenger at \$110.00

One Policy Analyst to the Committee on Education at \$243.00

Three Receptionists at \$85.00 - \$110.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at ninety-one thousand one hundred and sixty dollars per year;

One Assistant Clerk/Parliamentarian at sixty-two thousand one hundred and sixty dollars per year;

One Bill Status Clerk at forty-five thousand one hundred and sixty-four dollars per year;

One Journal Clerk at forty-five thousand one hundred and sixty-four dollars per year;

One Documents Clerk at forty-five thousand one hundred and sixty-four dollars per year;

One Administrative Assistant to the Clerk's Office at forty-five thousand one hundred and sixty-four dollars per year;

One Purchasing Agent at forty-three thousand nine hundred and one dollars per year;

One Mail Clerk at thirty-two thousand nine hundred and ninety dollars per year;

One Communications Director to the House at sixty-five thousand six hundred and sixty dollars per year;

One Chief of Staff at sixty-five thousand dollars per year;

One Policy Analyst to the Majority Whip Office at forty-five thousand dollars per year;

One Counsel to the Speaker at one hundred and seventeen thousand one hundred dollars per year;

One Assistant to the Speaker at eighty-two thousand one hundred and sixty dollars per year;

One Director of Supplies at forty-four thousand six hundred and sixty dollars per year;

One Maintenance Staff at thirty-nine thousand seventy-three dollars per year;

One Maintenance Staff at twenty-seven thousand two hundred and sixty-eight dollars per year;

One Maintenance Staff at twenty-six thousand one hundred and ninety-five dollars per year;

One Chief Counsel to the Committee on the Judiciary at ninety-five thousand dollars per year;

One Counsel to the Committee on the Judiciary at ninety thousand dollars per year;

One Legislative Analyst to the Committee on the Judiciary at fifty-two thousand dollars per year;

One Administrative Assistant to the Committee on the Judiciary at forty-one thousand dollars per year;

One Chief Counsel to the Committee on Education at eighty-three thousand one hundred and sixty dollars per year;

One Legislative Assistant to the Committee on Education at forty-three thousand eight hundred and twenty-three dollars per year;

One Chief Counsel to the Committee on Finance at one hundred and five thousand and sixty dollars per year;

Two Budget Analysts to the Committee on Finance at fifty-three thousand dollars per year;

One Research Analyst to the Committee on Finance at fifty thousand dollars per year;

One Administrative Assistant to the Finance Committee at forty-seven thousand one hundred and sixty dollars per year;

One Chief Counsel to the Committee on Government Organization at seventy-eight thousand one hundred and sixty dollars per year;

One Administrative Assistant to the Committee on Government Organization at thirty-eight thousand six hundred and fifty-six dollars per year;

One Legislative Analyst to the Committee on Government Organization at forty-three thousand and nine hundred and sixty dollars per year;

One Chief Counsel to the Committee on Health and Human Resources at eighty-five thousand dollars per year;

One Administrative Assistant to the Committee on Health and Human Resources at thirty-nine thousand and two hundred and sixty dollars per year;

One Analyst to the Minor Committees at forty-one thousand one hundred and sixty dollars per year;

One Chief Counsel to the Energy Committee at eighty-one thousand dollars per year;

One Clerk to the Energy Committee at forty-one thousand five hundred and eighty dollars per year;

One Policy Analyst to the Minority Leader at forty-eight thousand one hundred and seventy-two dollars and eight cents per year;

One Office Manager to the Minority Office at forty thousand one hundred and sixty dollars per year;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and, be it

Further Resolved, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or

months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

Further Resolved, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and be it

Further Resolved, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

Further Resolved, That following the session, the Speaker is authorized until superceded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

Further Resolved, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegates J. Kelly, Anderson, Azinger, Cooper, Hollen, Criss, Shott, Ellington, Summers, Mr. Hanshaw, Mr. Speaker and McGeehan offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 2 - "Requesting the Division of Highways to name bridge number [54-68-17.10] (54A205), locally known as Juliana Street Bridge, carrying WV 68 over the Little Kanawha River and US Route 50 in Wood County, the 'Senator J. Frank Deem Memorial Bridge'."

Whereas, John Franklin Deem was born March 20, 1928, in Harrisville, West Virginia to Fulton S. Deem and Lyla Matheny Deem; and

Whereas, John Franklin Deem, known throughout his life as "Frank", attended Ritchie County Schools, graduated from Harrisville High School, attended Mountain State Business College, West Virginia University, and received a B.S. in Petroleum Engineering from Marietta College; and

Whereas, Frank Deem felt the call of duty to his country and served in the United States Navy during World War II; and

Whereas, Frank Deem was a successful businessman, owning and operating Frank Deem's Market in Harrisville, Frank Deem Chevrolet in St. Marys, and JF Deem Oil and Gas in Harrisville and Parkersburg for more than 50 years; and

Whereas, Frank Deem gave generously of his time to his community as a supporter of the Ritchie County Golf Program, the Boys and Girls Club of Parkersburg, the Parkersburg Arts Center, the WVUP Foundation, the Rotary Foundation, and the West Virginia Symphony; and

Whereas, Frank Deem was also recognized for his contributions, having been named Oil and Gas Man of the Year, received the Distinguished WV Award, bestowed with an Honorary Degree from WVU – Parkersburg, and recognized as Rotary Foundation Paul Harris Fellow; and

Whereas, Among his many accomplishments he was perhaps most proud that he designed and oversaw construction of the North Bend Golf Course in Harrisville; and

Whereas, His commitment to public service was exemplified by his participation in the West Virginia Legislature, first as a Delegate and later as a Senator, having served in the Legislature in each decade since 1954; and

Whereas, Frank Deem passed away on October 18, 2018, and his character, experience, and statesmanship will be greatly missed by his colleagues at the Legislature; and

Whereas, It is fitting that an enduring memorial be established to commemorate Senator Deem and his contributions to his community, to our state, and to our country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number [54-68-17.10] (54A205), locally known as Juliana Street Bridge, carrying WV 68 over the Little Kanawha River and US Route 50 in Wood County, the “Senator J. Frank Deem Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “Senator J. Frank Deem Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, Joint Resolutions were introduced, read by their titles and referred as follows:

By Delegate McGeehan:

H. J. R. 1 - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two-thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegate Caputo:

H. J. R. 2 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegate Bates:

H. J. R. 3 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to imposing term limits for senators and delegates; numbering

and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegates Wilson and Rowan:

H. J. R. 4 - “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section 23 relating to defining the word ‘person’ or ‘persons,’ as those terms are used in Article III of the Constitution of the State of West Virginia, to include every human being from the moment of fertilization, cloning, or the functional equivalent thereof; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegate Wilson:

H. J. R. 5 - “Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment; to the Committee on the Judiciary.

By Delegate Bates:

H. J. R. 6 - “Proposing an amendment to the Constitution of the State of West Virginia, amending, article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Motions

At the request of Delegate Summers, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the Joint Assembly, and approved activities during the Session, to permit invited guests the privileges of the floor.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegate Fast:

H. B. 2021 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-11, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on Education Accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan”; to the Committee on Education then the Judiciary.

By Delegates Rowan and Fast:

H. B. 2022 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to permitting a county school board to accrue

instructional days or portions thereof during years of good weather and use them in years of inclement weather”; to the Committee on Education.

By Delegate Fast:

H. B. 2023 - “A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination for use of tobacco products”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fast:

H. B. 2024 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract”; to the Committee on the Judiciary.

By Delegate Fast:

H. B. 2025 - “A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice”; to the Committee on the Judiciary.

By Delegate Fast:

H. B. 2026 - “A Bill to amend and reenact §11-14-2 and §11-14-11 of the Code of West Virginia, 1931, as amended, all relating to gasoline and fuel excise tax; requiring a refund of gasoline or fuel excise tax when fuel is consumed by a commercial vehicle while that vehicle is not operated upon the highways of this state”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Fast:

H. B. 2027 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-32, relating to requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers for smoother final repair; and providing an exception”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Fast:

H. B. 2028 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts’ laying of water or sewer lines on state rights-of-way; and limiting the onsite time required supervision by a state engineer”; to the Committee on Government Organization.

By Delegate Fast:

H. B. 2029 - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to Public Defender Services; increasing the hourly rate for attorneys for in court and out of court work including investigative services; permitting attorneys who spend at least 1200 hours a year on court appointed cases to enroll in the Public Employees Insurance Agency plans; and requiring the executive director to propose rules, for legislative approval, that relate to requirements for the attorneys to enroll in the plans”; to the Committee on the Judiciary then Finance.

By Delegate Wilson:

H. B. 2030 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Wilson and J. Kelly:

H. B. 2031 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed

deadly weapons on the grounds of the State Capitol Complex, except for the third and fourth floors of the east wing of Building One”; to the Committee on the Judiciary.

By Delegates Wilson and J. Kelly:

H. B. 2032 - “A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

By Delegate Wilson:

H. B. 2033 - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to the death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (“DNA”) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

By Delegate Fast:

H. B. 2034 - “A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher learning”; to the Committee on Education.

By Delegates Fast and Rowan:

H. B. 2035 - “A Bill to repeal §5A-3-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-11 of said code, all relating to requiring competitive bidding for all state purchases of commodities, printing and services of \$25,000 or less in cost; repealing the provision for prequalification agreement and agency-delegated bidding; requiring purchases to be made at the lowest retail cost for the desired level of quality of the commodities, printing and services; eliminating requirements for written bids for purchases of \$2,500 or less; and requiring purchases to be made at the lowest retail price available for the commodities, printing and services at the level of quality sought by the spending unit”; to the Committee on Government Organization then Finance.

By Delegates Cooper, Pack and Rowan:

H. B. 2036 - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to permitting vehicles displaying disabled veterans special registration plates to park in places where persons with mobility impairments may park”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates R. Thompson and Rohrbach:

H. B. 2037 - “A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to creating an additional class of special education classroom aides

and to specify the pay grade for this class of school service personnel”; to the Committee on Education then Finance.

By Delegates Howell and Pack:

H. B. 2038 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-2a, relating to the procedure to determine if an occupation or profession should be regulated; providing when an application to regulate is prohibited; and when a license for a regulated expires”; to the Committee on Government Organization.

By Delegates Caputo and Rowan:

H. B. 2039 - “A Bill to amend and reenact §18-5-20 of the Code of West Virginia, 1931, as amended, relating to county boards of education; school libraries; requiring each school to have a certified library media specialist; and requiring the board to develop professional standards and the salary for the certified library media specialist”; to the Committee on Education then Finance.

By Delegates R. Thompson and Caputo:

H. B. 2040 - “A Bill to amend and reenact §18A-4-8b of the Code of West Virginia, 1931, as amended, relating to qualifications of paraprofessionals, autism mentors, and braille or sign support specialists to be early childhood classroom assistant teachers”; to the Committee on Education then Finance.

By Delegates R. Thompson and Miller:

H. B. 2041 - “A Bill to amend and reenact §18-7A-25 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System, permitting retirement after 25 years of contributing service, regardless of age”; to the Committee on Pensions and Retirement then Finance.

By Delegate R. Thompson:

H. B. 2042 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to specifying the grade point average required for student participation in interscholastic athletics at the high school level”; to the Committee on Education.

By Delegate R. Thompson:

H. B. 2043 - “A Bill to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, relating to requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis to the specific forest or park that was timbered; and creating a special fund”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Foster:

H. B. 2044 - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers and school officials in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest cost”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 2045 - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to filing reports with the Division of Labor and removing the requirement for contactors to file payroll information on public improvement construction projects”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Foster and Summers:

H. B. 2046 - "A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203 and §48-9-204 of said code; to amend said code by adding thereto a new section, designated §48-9-204a; and to amend and reenact §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child"; to the Committee on Senior, Children, and Family Issues.

By Delegate Sponaugle:

H. B. 2047 - "A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement, probation and parole officers and interfering with emergency communications; and amending the penalties for several of the violations to make it clear that the convicted person may be fined and confined"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2048 - "A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to the definition of an 'employee' for purposes of payment of minimum wages, maximum hours, and overtime compensation; and exempting persons employed by seasonal recreational establishments from the definition of an 'employee' for those purposes"; to the Committee on Industry and Labor then the Judiciary.

By Delegate Foster:

H. B. 2049 - "A Bill to repeal §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor's responsibility for wages and benefits"; to the Committee on Industry and Labor then the Judiciary.

By Delegate Fleischauer:

H. B. 2050 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-5-3a, relating to orders or decisions involving claims of sexual harassment, sexual abuse or sexual assault; prohibiting confidential financial terms of settlement or nondisclosure of defendant; penalties"; to the Committee on the Judiciary.

By Delegate Canestraro:

H. B. 2051 - "A Bill to amend and reenact §15-2A-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police Retirement System; and increasing the annual cost of living benefits for retirants from one percent a year to three percent a year"; to the Committee on Pensions and Retirement then Finance.

By Delegate Sponaugle:

H. B. 2052 - "A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists"; to the Committee on the Judiciary.

By Delegates Fleischauer and Pyles:

H. B. 2053 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-28, relating to providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015"; to the Committee on Pensions and Retirement then Finance.

By Delegates Sponaugle, Caputo and Longstreth:

H. B. 2054 - "A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to giving all honorably discharged veterans 10 extra points when successfully completing a civil service examination"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Sponaugle and Caputo:

H. B. 2055 - "A Bill to amend and reenact §22-21-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-9-7 of said code, all relating to prohibiting drilling units from being established without consent of all owners; prohibiting coal bed methane units from being established without consents from all owners; and prohibiting deep oil or gas well units from being established without consents from all owners"; to the Committee on Energy then the Judiciary.

By Delegates Fleischauer, Pyles and Canestraro:

H. B. 2056 - "A Bill to repeal §21-5G-1, 3 §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1A-3 and §21-1A-4 of said code, all relating to repealing the West Virginia Workplace Freedom Act and restoring prior law; and authorizing employers, through agreement with a labor organization, to require membership in the organization as a condition of employment"; to the Committee on Industry and Labor then the Judiciary then Finance.

By Delegates Fleischauer, Pyles and Canestraro:

H. B. 2057 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8 and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts"; to the Committee on Industry and Labor then the Judiciary then Finance.

By Delegates Fleischauer, Pyles and Rohrbach:

H. B. 2058 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting retirement income of members of certain uniformed services from state income tax"; to the Committee on Pensions and Retirement then Finance.

By Delegates Fluharty and Pyles:

H. B. 2059 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics fields"; to the Committee on Education then Finance.

By Delegate Sponaugle:

H. B. 2060 - "A Bill to amend and reenact §17C-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1a, §17C-5A-3 and §17C-5A-3a of said code; and to amend said code by adding thereto a new section, designated §17C-5C-6, all relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs (D.U.I.); eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of D.U.I. in the absence of a conviction or a

court-ordered suspension or revocation; eliminating all statutory provisions authorizing or requiring the commissioner to require an individual to complete the Motor Vehicle Test and Lock program or other safety programs; creating a process by which an individual may notify the commissioner if his or her driver's license has been incorrectly suspended or revoked based on mistaken identity of the defendant in a transcript of judgment or conviction; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; completely transferring jurisdiction for suspension or revocation of a driver's license based on D.U.I. to the court with jurisdiction over the criminal proceedings; requiring a defendant to surrender his or her driver's license upon suspension by the court; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license; establishing procedures and a timeline for the Division of Motor Vehicles to transfer jurisdiction of driver's license suspension and revocation to the courts; and eliminating all statutory provisions authorizing or requiring the commissioner to prescribe the terms and conditions of driver's license reissuance following D.U.I."; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Fleischauer and Pyles:

H. B. 2061 - "A Bill to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage Control Commissioner and his or her agents to enter and inspect the premises of a private club does not limit or restrict the authority of local law enforcement to enter any public area on or adjacent to any private club or from taking other appropriate police action or investigation to enforce the underage drinking laws of this state"; to the Committee on the Judiciary.

By Delegates Fleischauer and Caputo:

H. B. 2062 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, §21-3F-5, §21-3F-6, §21-3F-7, §21-3F-8 and §21-3F-9, all relating to labor; providing for healthy workplaces by providing remedies for hostile work environments; defining terms; providing an affirmative defense for employers; banning retaliation in certain circumstances; providing an employer duty to respond to third-party acts of malice; restricting applicability to employment practices not covered by existing state laws on human rights or wrongful discharge; and providing certain time limitations for commencing action"; to the Committee on Industry and Labor then the Judiciary.

By Delegate Fluharty:

H. B. 2063 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person's credit history in certain insurance transactions"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Sponaugle:

H. B. 2064 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-37a, relating to a five percent bid preference on certain state contracts for businesses owned 51 percent by honorably discharged resident veterans"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Sponaugle and Caputo:

H. B. 2065 - "A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §18C-8-1, §18C-8-2, §18C-8-3, §18C-8-4, §18C-8-5 and §18C-8-6, all relating to expiring the PROMISE Scholarship Program; establishing the Promise for All Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions and limitations for

participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and providing for funding of program”; to the Committee on Education then Finance.

By Delegates Sponaugle, Miller and Caputo:

H. B. 2066 - “A Bill to amend and reenact §62-1C-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-1C-1b, all relating to establishing an alternative methodology for pretrial release of persons charged with crimes”; to the Committee on the Judiciary.

By Delegates Hollen, J. Kelly and Fast:

H. B. 2067 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17; and to amend said code by adding thereto a new section, designated §8-11-6, all relating to prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate J. Kelly:

H. B. 2068 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-28-1, related to providing counties the power to establish a county sales tax if there is a municipality within their borders participating in the Municipal Home Rule Pilot Program that has enacted a municipal home rule sales tax; establishing county tax will not be in effect for municipality that has enacted municipal home rule sales tax; and requiring county to submit county tax to Tax Commissioner”; to the Committee on Political Subdivisions then Finance.

By Delegates J. Kelly and Pyles:

H. B. 2069 - “A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to requiring all commercial and professional drivers licensed under this chapter or chapter 17E of this code to be fingerprinted and undergo a background check”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate J. Kelly:

H. B. 2070 - “A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years; and making a technical correction”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Sponaugle:

H. B. 2071 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting a percentage of social security benefits from personal income tax based on individual’s overall amount of taxable income”; to the Committee on Senior, Children, and Family Issues then Finance.

By Delegates J. Kelly and Rowan:

H. B. 2072 - “A Bill to amend and reenact §18B-2B-6 of the Code of West Virginia, 1931, as amended, relating to tuition and fees at community and technical colleges; setting forth guidelines therefor”; to the Committee on Education then Finance.

By Delegate Sybolt:

H. B. 2073 - "A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6A-12a, all relating to requiring continuous monitoring of air, noise, dust and particulates; requiring the operator to undertake the best available control technology if standards for air, noise, dust or particulates are exceeded; and changing the set back from horizontal well work activity to a residence to 1,500 feet from the limit of well work disturbance"; to the Committee on Energy then the Judiciary.

By Delegate McGeehan:

H. B. 2074 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, and §16-2P-3, all relating to the right to life guaranteed to all human beings and providing definitions"; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 2075 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting law-enforcement officers who are members of a municipal paid police department, county sheriff's office or the State Police from payment of income and personal property taxes"; to the Committee on Political Subdivisions then Finance.

By Delegate Pushkin:

H. B. 2076 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms"; to the Committee on Government Organization then Finance.

By Delegates Pushkin and Rohrbach:

H. B. 2077 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present; penalty"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2078 - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Industry and Labor then the Judiciary.

By Delegate Pushkin:

H. B. 2079 - "A Bill to amend and reenact §16A-6-3 and §16A-6-13 of the Code of West Virginia, 1931, as amended, all relating to removing certain limitations on medical marijuana grower, processor and dispensary licenses"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2080 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing possession and smoking of medical cannabis by approved persons"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2081 - "A Bill to amend and reenact §16A-7-2 of the Code of West Virginia, 1931, as amended, relating to allowing medical marijuana to be grown outdoors by licensed growers"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2082 - "A Bill to amend and reenact §16A-16-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the earlier issuance of identification cards to approved medical marijuana consumers and caregivers"; to the Committee on Health and Human Resources then Finance.

By Delegates Pushkin and Shott:

H. B. 2083 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-9, relating to facilitating a released inmate's reintegration into society, by requiring the Commissioner of the Division of Motor Vehicles and Commissioner of Corrections, to provide an identification card for released inmates who do not have a West Virginia identification card or driver's license"; to the Committee on the Judiciary then Finance.

By Delegate Pushkin:

H. B. 2084 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2085 - "A Bill to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating to requiring urban renewal authorities to submit active, amended, and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents"; to the Committee on Political Subdivisions then Government Organization.

By Delegate Storch:

H. B. 2086 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6, and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that the article modifies, limits and supersedes

certain parts of the federal Electronic Signatures in Global and National Commerce Act”; to the Committee on the Judiciary.

By Delegates Storch and Canestraro:

H. B. 2087 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

By Delegate Anderson:

H. B. 2088 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on the Judiciary.

By Delegates Anderson and J. Kelly:

H. B. 2089 - “A Bill to amend and reenact §11-3-27 of the Code of West Virginia, 1931, as amended, relating to erroneous tax assessments and overpayments to the county; clarifying that relief may be sought for overpayment of taxes by a taxpayer; establishing a procedure for petitioning the Auditor for additional review of a county commission’s decision; granting the Auditor express authority to order the county commission to make reimbursement or issue a tax credit where a county commission’s decision is found to be clearly erroneous; and granting the Auditor express authority to promulgate emergency rules in order to comply with this section”; to the Committee on the Judiciary.

By Delegate Anderson:

H. B. 2090 - “A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to advertising by physicians and podiatrists; providing that the use of patient testimonials in advertising is not per se false or deceptive advertising”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Cowles:

H. B. 2091 - “A Bill to amend and reenact §7-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum number of magisterial districts in a county from three to four”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Summers:

H. B. 2092 - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to crimes against the peace; offenses occurring at State Capitol Complex property; and when a person lawfully entitled to possess a firearm may keep a firearm in a motor vehicle upon a State Capitol Complex property"; to the Committee on the Judiciary.

By Delegate Dean:

H. B. 2093 - "A Bill to amend and reenact §18A-4-8f of the Code of West Virginia, 1931, as amended, relating to permitting classroom teachers or school service personnel who at the time of a school merger who are the sole occupants of the same position that will exist at the new school will maintain that position at the new school; and, if posting is otherwise required, only the posting of service, professional or administrative positions for a merged school is required only when duplicate positions exist"; to the Committee on Education.

By Delegate McGeehan:

H. B. 2094 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax"; to the Committee on Technology and Infrastructure then Finance.

By Delegate Dean:

H. B. 2095 - "A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to assessing the college-and career-readiness of 11th and 12th grade students and removing the requirement that seniors in 12th grade transitional program classes be reassessed at the conclusion of those classes"; to the Committee on Education.

By Delegate Pushkin:

H. B. 2096 - "A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-2-914; and to amend said code by adding §49-5-106, all relating to the juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public"; to the Committee on the Judiciary then Finance.

By Delegates McGeehan and J. Kelly:

H. B. 2097 - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to the hunting of coyotes; permitting year-round hunting of coyotes using artificial light or night vision technology and permitting hunting of coyotes at any hour"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate McGeehan:

H. B. 2098 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to allowing a taxpayer a personal income tax credit for each dependent that participated in home educational instruction for the most recent academic year"; to the Committee on Education then Finance.

By Delegate McGeehan:

H. B. 2099 - "A Bill to repeal §29-22A-10d, §29-22A-10e, §29-22A-10f of the Code of West Virginia, 1931, as amended; to repeal §29-22C-27a of said code; to repeal §29-25-22b of said code; and to amend and reenact §29-22-18d of said code, all relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory

distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis”; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 2100 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior”; to the Committee on Health and Human Resources then Education.

By Delegate Hornbuckle:

H. B. 2101 - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on soft drinks; modifying the tax to only cover sugary drinks; modifying the tax to two cents per ounce; redistributing the revenue generated to all three medical schools in the state; and providing for an effective date”; to the Committee on Finance.

By Delegate Fleischauer:

H. B. 2102 - “A Bill to amend and reenact §22-6A-8, §22-6A-10 and §22-6A-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-6A-12a; and to amend and reenact §22-6B-3, §22-6B-5 and §22-6B-7 of said code, all relating generally to horizontal well control standards; changing an elective obligation to a mandatory one; requiring notice in certain instances be sent to the occupants of residential property; prohibiting the limit of disturbance of a well site to be closer than 1,500 feet of an occupied dwelling; providing that a notice include certain information; establishing standards relating to air, noise, light and dust; permitting landowners be compensated for any decrease in the values of the land for its highest and best use; requiring the notice of a claim be also provided to an occupant of residential structure on the property; and establishing a statute of limitations for claims being filed”; to the Committee on Energy then the Judiciary.

By Delegate Miller:

H. B. 2103 - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to establishing motor vehicle registration plates for official vehicles of emergency management agencies”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Caputo:

H. B. 2104 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to increasing benefits of retired state personnel and retired teachers by five percent a year for the next three consecutive years”; to the Committee on Pensions and Retirement then Finance.

By Delegate Caputo:

H. B. 2105 - “A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of 800 state troopers by July 1, 2018; and increasing the salary increase received at the end of two years of service with the West Virginia State Police from \$500 to \$580”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Caputo:

H. B. 2106 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off duty State Police officers who are called back to work or appear in court be

compensated a minimum amount; and providing a housing cost stipend for those officers who reside in and are assigned to one of the top five counties in median monthly housing costs”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Caputo:

H. B. 2107 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4, and §8-15B-5, all relating to meeting and conference rights for members of fire departments employed by political subdivisions; providing for the right of self-organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearing before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Sponaugle:

H. B. 2108 - “A Bill to repeal §11-21-22a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-22 and §11-21-22b of said code, all relating to personal income tax; creating the West Virginia Earned Income Tax Credit; and authorizing a refundable tax credit based upon the federal earned income tax credit”; to the Committee on Finance.

By Delegate Canestraro:

H. B. 2109 - “A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from 60 days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation”; to the Committee on the Judiciary then Finance.

By Delegate Canestraro:

H. B. 2110 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to reallocating and dedicating up to \$30 million of the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin; providing for distribution of the moneys to the districts of the Division of Highways by the State Treasurer; establishing amounts each natural gas and oil-producing Division of Highways district and counties within a district are to receive; requiring moneys be used solely for the secondary roads; providing duties of State Tax Commissioner and Division of Highways; requiring reports of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; providing an effective date; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

By Delegate Caputo:

H. B. 2111 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police into the class of law-enforcement officers exempted”; to the Committee on Pensions and Retirement then Finance.

By Delegate R. Thompson:

H. B. 2112 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-5a, relating to requiring that state and public roads that have not been

maintained for a period of three consecutive years shall be returned to their original tract of land”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Howell:

H. B. 2113 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms”; to the Committee on Energy then the Judiciary.

By Delegate Howell:

H. B. 2114 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4-56, relating to permitting the Commissioner of the Division of Highways to purchase hardware items and equipment from a local seller rather than the holder of a state contract if the cost of the item or equipment is less than the cost from the holder of the state contract”; to the Committee on Government Organization then the Judiciary.

By Delegate Howell:

H. B. 2115 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-16F-1, §17A-16F-2, §17A-16F-3, §17A-16F-4, §17A-16F-5, and §17A-16F-6, all related to creating the Right to Repair Act; requiring a manufacturer of motor vehicles sold in the state to make diagnostic and repair information available to owners independent repair facilities that the manufacturer makes available to its dealers through the manufacturer’s Internet-based diagnostic and repair information system; providing exceptions; providing additional remedies; and defining terms”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Howell:

H. B. 2116 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to monitoring, copying and emailing certain inmate mail; and requiring a waiver”; to the Committee on the Judiciary then Finance.

By Delegate Pyles:

H. B. 2117 - “A Bill to amend and reenact §8-26A-3 of the Code of West Virginia, 1931, as amended, relating to the approval of an appropriate historic landmarks commission for certain municipal planning commission projects within a historic district designated by listing on the National Register of Historic Places”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Pyles:

H. B. 2118 - “A Bill to amend and reenact §17-4-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-17-12 of said code, all relating to the power of local government authorities to regulate vehicular traffic within their borders”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Pyles:

H. B. 2119 - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Pyles:

H. B. 2120 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-3a, relating to providing local government the authority to place

video cameras at road intersections with frequent accidents to assist in liability determinations”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Pyles:

H. B. 2121 - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell alcoholic beverages after one o’clock p.m. on Sundays”; to the Committee on the Judiciary then Finance.

By Delegate Rowan:

H. B. 2122 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to Legislative Oversight Commission; defining high cost/high acuity special needs; and providing for method of fund disbursement”; to the Committee on Education then Finance.

By Delegate Shott:

H. B. 2123 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto, a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, §37-16-9, §37-16-10, §37-16-11, §37-16-12, and §37-16-13, all relating to enacting the Uniform Partition of Heirs Property Act; defining terms; providing for a court hearing to determine if the partition action concerns heirs’ property; providing for notice by publication in a partition action; providing for requirements for commissioners; providing procedures for a court to follow in determining the value of the property and factors for a court to consider for certain types of partitions; providing procedures for cotenant buyout; providing for alternatives to a partition action; providing for certain factors for the court to consider in determining whether partition in kind is appropriate; providing for open-market sales, sealed bids, or auctions; providing reporting requirements for an open-market sale; providing for uniformity of application and construction; and modifying, limiting, and superseding the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq.”; to the Committee on Energy then the Judiciary.

By Delegate Cooper:

H. B. 2124 - “A Bill to amend and reenact §24A-7-7 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of motor carrier inspectors; and requiring compliance by commercial vehicle drivers”; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 2125 - “A Bill to amend and reenact §33-2-21 of the Code of West Virginia, 1931, as amended, relating to granting the Insurance Commissioner the authority to regulate and penalize self-insured employers; providing for monetary penalties; and permitting noncompliant self-insured employers to become compliant without penalty”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Caputo:

H. B. 2126 - “A Bill to amend and reenact §18A-2-2 and §18A-2-6a of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education to provide released time for professional educators and service personnel when serving in a part-time elected or appointed municipal or county offices”; to the Committee on Education then Finance.

By Delegate Caputo:

H. B. 2127 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-23, relating to providing career development; and establishing annual salaries for Alcohol Beverage Control Administration inspectors, enforcement agents and supervisors”; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2128 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend parent-teacher conferences for their children"; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2129 - "A Bill to amend and reenact §33-20-5 of the Code of West Virginia, 1931, as amended, relating to insurance generally; and prohibiting the use of a credit score in casualty insurance rate filings"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Caputo:

H. B. 2130 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-9a, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for additional duty, overtime, and promotions; and determining seniority in case of absence"; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2131 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-13-1, relating to establishing the Legislative Oversight Commission on Energy Workers' Safety; directing the commission to study workers' safety; and establishing reporting requirements for boards and agencies that regulate and otherwise oversee workers' safety"; to the Committee on Energy then the Judiciary.

By Delegate Caputo:

H. B. 2132 - "A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100; and changing eligibility from three years of service to one"; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2133 - "A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to creating an additional magistrate court deputy clerk position for Marion County"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Caputo:

H. B. 2134 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11-1, §47-11-2, §47-11-3, §47-11-4, §47-11-5, §47-11-6, §47-11-7, §47-11-8 and §47-11-9, all relating to requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability; establishing requirements and exceptions; giving Secretary of the Department of Transportation responsibility for implementation and enforcement; giving secretary rule-making authority; and providing civil penalties"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Caputo:

H. B. 2135 - "A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of the State Police to develop a plan to increase

the number of troopers to a minimum of 800 by July 1, 2020”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Fleischauer:

H. B. 2136 - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, relating to clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Fleischauer:

H. B. 2137 - “A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities; and lessening the criminal penalty from a felony to a misdemeanor”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Fleischauer:

H. B. 2138 - “A Bill to amend and reenact §22-3-22a of the Code of West Virginia, 1931, as amended, relating to prohibiting blasting within 625 feet of an occupied dwelling”; to the Committee on Energy then the Judiciary.

By Delegate Caputo:

H. B. 2139 - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to allowing quarterly payment of real and personal property taxes”; to the Committee on the Judiciary then Finance.

By Delegate Caputo:

H. B. 2140 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a ten percent discount to West Virginia residents for lodging, camping and other recreational activities at state parks and forests”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Caputo:

H. B. 2141 - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; and requiring rules relating to interscholastic athletic football events include the requirement that neck braces be worn by all football players”; to the Committee on Education then Finance.

By Delegate Howell:

H. B. 2142 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16, relating to issuing identification documents to homeless individuals residing at homeless shelters within this state at no cost; stating legislative intent; defining terms; creating a process by which a homeless individual may apply for certain identifying documents to be provided at no cost; requiring the division to issue certain identifying documents to eligible homeless individuals at no cost; and requiring the commissioner to develop forms”; to the Committee on the Judiciary then Finance.

By Delegate Howell:

H. B. 2143 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, relating to regulation of firearms, firearms accessories and ammunition; creating the ‘West Virginia Firearms Freedom Act’; providing legislative declarations of

authority; definitions; exceptions; and providing that firearms manufactured in this state have the words 'Made in West Virginia' clearly stamped on the firearm"; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2144 - "A Bill to amend and reenact §5A-3-33c, §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions; updating the duties of the Director of Purchasing; specifying additional grounds for debarment of a vendor; providing that actions of an individual may be imputed to a vendor under certain circumstances; providing for the debarment of individuals in addition to vendor businesses; providing for the debarment of subcontractors; specifying mandatory conditions for the initiation of debarment proceedings; and prohibiting the state from contracting with, or soliciting bids from, certain parties related to debarred vendors"; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 2145 - "A Bill to amend and reenact §12-3-1a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §12-3-1c, all relating to payment by paper warrant; directing the Enterprise Resource Planning Board to establish a schedule for payment of paper warrants and checks; authorizing a fee to be imposed and collected for payment by paper warrant or check; and authorizing a fee to be imposed and collected for payment by paper warrant or check outside of the established schedule"; to the Committee on Government Organization then Finance.

By Delegate Rowe:

H. B. 2146 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-2-10, relating to creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state; creating a 'New College Families' loan forgiveness program; and creating a loan forgiveness program for counties with low college attendance"; to the Committee on Education then Finance.

By Delegate Bates:

H. B. 2147 - "A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting pay of members of the Legislature when a budget bill has not been passed during a regular session"; to the Committee on the Judiciary then Finance.

By Delegate Summers:

H. B. 2148 - "A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition of certain surplus equipment and materials, requiring recycling of metal if cost effective"; to the Committee on Technology and Infrastructure then Finance.

By Delegate Lovejoy:

H. B. 2149 - "A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-To-Food Bank Tax Credit; and allowing the credit to equal 100 percent of the value of the donated edible agricultural products when the value is \$2,500 or less"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Cooper:

H. B. 2150 - "A Bill to amend and reenact §20-1-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-45, all relating to providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native

nonresidents of the state; definitions; limitation upon the fee amounts; providing for emergency rule and legislative rules”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Cooper:

H. B. 2151 - “A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to the beginning and expiration of hunting and fishing licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sponaugle:

H. B. 2152 - “A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to permitting teachers under the State Teachers Retirement System to teach college level courses without loss of retirement annuity or benefits; to the Committee on Pensions and Retirement then Education.

By Delegate Rowe:

H. B. 2153 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates”; to the Committee on Health and Human Resources then Finance.

By Delegate Rowe:

H. B. 2154 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers and creating a litigation practice license for social workers”; to the Committee on Government Organization then the Judiciary.

By Delegate Bates:

H. B. 2155 - “A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended; relating to Capitol Complex security access; permitting the issuance of electronic keycards to certain individuals by the Director of the Division of Protective Services; providing for the renewal thereof; setting expiration dates; requiring the development of forms for the application for electronic keycards by the director or his or her designee by eligible individuals; establishing application fee; allowing certain state employees to waive certain fees; providing for the deposit of application fees into a special revenue account; providing that privileges attaching to keycards are not transferable; and providing for revocation of keycards for violation of the conditions of issuance and at the discretion of the director”; to the Committee on the Judiciary then Finance.

By Delegate Rowe:

H. B. 2156 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and amending said code by adding thereto a new section, designated §11-24-23h, all relating to creating a tax credit for improving facades in historic districts; providing that individuals and corporations are entitled to a 25 percent tax credit of the replacement cost of historic facades; and setting forth conditions”; to the Committee on Finance.

By Delegate Rowe:

H. B. 2157 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-2b, relating to the right of municipalities and counties to buy real estate for delinquent taxes”; to the Committee on Political Subdivisions then Finance.

By Delegate Rowe:

H. B. 2158 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-16a, relating to alternate sentencing for nonviolent felony offenders"; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 2159 - "A Bill to amend and reenact §17-4-18 of the Code of West Virginia, 1931, as amended, relating to requiring paving contracts for state highways to have special requirements to prevent potholes"; to the Committee on Technology and Infrastructure then Finance.

By Delegate Rowe:

H. B. 2160 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2 and §5B-8-3, all relating to establishment of an Economic and Community Development Task Force; composition of task force; and requiring a report of task force to Joint Committee on Government and Finance"; to the Committee on Government Organization then Finance.

By Delegate Rowan:

H. B. 2161 - "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-11D-3 of said code, all relating to sex offenders; prohibiting sexual offenders from residing within 1,000 feet of a school or childcare facility; requiring persons, as a condition of probation, parole or supervised release, convicted of sexual crimes against a minor be subject to global positional system monitoring for life; and providing for a felony penalty"; to the Committee on the Judiciary then Finance.

By Delegate Rohrbach:

H. B. 2162 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark"; to the Committee on Government Organization then the Judiciary.

By Delegate Pushkin:

H. B. 2163 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, §46A-6N-8, §46A-6N-9, and §46A-6N-10, all relating to placing upon the manufacturers of manufactured homes the duty to meet their obligations and responsibilities under the terms of the express warranties extended to the consumers in this state; and providing consumers additional remedies to enforce the warranties"; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2164 - "A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits"; to the Committee on the Judiciary.

By Delegate Miller:

H. B. 2165 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1 and §62-16-2, all relating to custody and disposal of seized controlled substances and drugs; creating a designated custodian evidence officer in each law-enforcement agency in the state; providing procedure for chemical analysis and destruction or

disposal after a trial; providing procedure for collection and disposition of unused medicine or controlled substances found at the scene of a death; and providing that no criminal liability or professional discipline may be imposed for destroying unused medicine or controlled substances found at the scene of a death, when done in good faith”; to the Committee on the Judiciary.

By Delegates Howell and J. Kelly:

H. B. 2166 - “A Bill to amend and reenact §5A-3-48 of the Code of West Virginia, 1931, as amended, relating to prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle; authorizing those employees to use personal vehicles and be reimbursed at the regular mileage rate for travel on state business; and requiring promulgation of rules relating to this amendment”; to the Committee on the Judiciary.

By Delegates Miller and Canestraro:

H. B. 2167 - “A Bill to amend and reenact §57-5-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the prosecuting attorney to issue a subpoena duces tecum for documents considered material to a criminal investigation”; to the Committee on the Judiciary.

By Delegates Hornbuckle and Canestraro:

H. B. 2168 - “A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing a temporary foreign brewers import license”; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 2169 - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, and to amend and reenact §3-2-5 of said code; all relating to the criteria for political party status; allowing a group of affiliated voters to become a recognized political party if the group’s candidate receives one percent of the votes in an election for any one of six statewide offices, including that of Governor, Secretary of State, Treasurer, Auditor, Attorney General or Commissioner of Agriculture; allowing a group of affiliated voters to become a recognized political party if 5,000 or more individuals have identified as members of the group on their current voter registration forms; and requiring voting registration forms to provide a space for individuals who do not select a political party affiliation to write the name of a group of affiliated voters to which they belong”; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 2170 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to providing that all future federal, state and local statutes, ordinances, laws, orders, rules, and any other actions which attempt to restrict, tax, or regulate the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal, state or local statute, ordinance, law, order, rule, or any other action which attempts to restrict, tax, or regulate possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition or their accouterments; prohibiting such laws, orders, rules, policies and other actions by executive departments and state agencies, and providing a felony for violation; providing definitions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of a firearm, a firearm accessory or ammunition; providing exemptions; providing for retroactivity; and providing that ex post facto laws are not created”; to the Committee on the Judiciary.

By Delegate Miley:

H. B. 2171 - "A Bill to amend and reenact §15-12-5 of the Code of West Virginia, as amended, relating to increasing frequency of the State Police updating the State Sex Offender Registry"; to the Committee on the Judiciary then Finance.

By Delegate Miley:

H. B. 2172 - "A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted"; to the Committee on the Judiciary then Finance.

By Delegates Canestraro and Miller:

H. B. 2173 - "A Bill to amend and reenact §62-1D-6 and §62-1D-9 of the Code of West Virginia, 1931, all relating to allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance obtained in state court in criminal proceedings both in state courts and federal courts; and providing that certain information that had previously been excluded may now be used for obtaining an arrest warrant or an indictment"; to the Committee on the Judiciary.

By Delegate Canestraro:

H. B. 2174 - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended, relating to the placement of juvenile status offenders; providing that a status offender may not be placed in a Division of Juvenile Services facility, unless the status offending child has run away from placement in a staff secure facility; and providing that the court may then order the juvenile placed in a Division of Juvenile Services facility pending further proceeding in the matter"; to the Committee on the Judiciary.

By Delegates Jennings, Rowan and Fast:

H. B. 2175 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-2-406, relating to providing that a religious representative or spiritual assembly, church or religious organization is not required to solemnize a marriage and a spiritual assembly, church or religious organization is not required to allow any building or property of the organization to be used to host a marriage ceremony if the marriage does not conform to the religious representative or spiritual assembly, church or religious organization's sincerely held religious beliefs, to provide that a religious representative or spiritual assembly, church or religious organization is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to any religious representative or spiritual assembly, church or religious organization for such a denial"; to the Committee on the Judiciary.

By Delegate Fluharty:

H. B. 2176 - "A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists; and providing an effective date"; to the Committee on the Judiciary.

By Delegate Fluharty:

H. B. 2177 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators"; to the Committee on the Judiciary then Finance.

By Delegates Fluharty and Canestraro:

H. B. 2178 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §29-25A-1, §29-25A-2, §29-25A-3, §29-25A-4, §29-25A-5, §29-25A-6, §29-25A-7, §29-25A-8 and §29-25A-9, all relating to legalizing interactive gaming; providing legislative findings; establishing licensing requirements; limiting licensing to existing gaming facilities; providing

that the Lottery Commission regulate interactive gaming; providing operations controls; providing prohibitions and criminal penalties; assessing gaming and licensing fees; incorporating rules and statutes applicable to interactive gaming; and providing a tax and administration of the tax for operation of an interactive gaming license”; to the Committee on the Judiciary then Finance.

By Delegate Howell:

H. B. 2179 - “A Bill to amend and reenact §3-1-9 and §3-1-35 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-5-14a, all relating to procedures permitting voters who have not registered an affiliation with a particular political party to vote in the primary election for that party under certain circumstances; requiring a determination by political parties and notice to the Secretary of State; specifying which ballots may be provided to voters in primary elections; requiring the posting of notices; specifying the form and preparation of lists of eligible parties; providing for assistance to impaired voters; and prohibiting improper influence by poll workers”; to the Committee on the Judiciary.

By Delegates Fleischauer, Pyles and Rohrbach:

H. B. 2180 - “A Bill to amend and reenact §46A-2-122 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6-101, §46A-6-102 and §46A-6-109 of said code, all relating to the Consumer Credit and Protection Act; and declaring that its provisions apply to residential leases, landlords, tenants and residential rental fees a landlord may charge in a general lease of residential real property”; to the Committee on the Judiciary.

By Delegates Howell and J. Kelly:

H. B. 2181 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-3-3d, relating to prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature”; to the Committee on the Judiciary.

By Delegates Howell and J. Kelly:

H. B. 2182 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-49a, relating to prohibiting certain persons from operating state-owned vehicles; and rulemaking”; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2183 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that driving under the influence of alcohol, controlled substances, or drugs must be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway”; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 2184 - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played”; to the Committee on the Judiciary then Finance.

By Delegate Westfall:

H. B. 2185 - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties”; to the Committee on the Judiciary then Finance.

By Delegate Foster:

H. B. 2186 - "A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative's authority is clearly limited"; to the Committee on the Judiciary.

By Delegate Sponaugle:

H. B. 2187 - "A Bill to amend and reenact §38-12-4 of the Code of West Virginia, 1931, as amended, relating to requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers where the lien is filed"; to the Committee on the Judiciary.

By Delegate Sponaugle:

H. B. 2188 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-804, relating to nullifying certain adoption orders"; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2189 - "A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to the disclosure of certain confidential information; establishing additional requirements"; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2190 - "A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown"; to the Committee on the Judiciary.

By Delegates Westfall and Espinosa:

H. B. 2191 - "A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state's share of gross terminal income at 50 percent on July 1, 2019"; to the Committee on the Judiciary then Finance.

By Delegate Cooper:

H. B. 2192 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; specifying pawnbrokers requirement to transmit pawn and purchase information electronically to a third-party database; defining terms; providing reportable data through third-party database; providing that pawnbrokers are responsible for establishing and maintaining the database; providing that law-enforcement agencies may be charged for access to the database; providing who may access reportable data through the database; and specifying pawnbroker requirements"; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2193 - "A Bill to amend and reenact §36-8-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-8-2a, all relating

to providing for the specific escheat of United States savings bonds and all rights and legal title thereto; and defining terms”; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2194 - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-2C-2a; and to amend and reenact §15-2C-3, §15-2C-4 and §15-2C-8 of said code, all relating to creating a domestic violence registry; providing a purpose; directing the Criminal Identification Bureau of the West Virginia State Police to establish and maintain the registry; providing for confidential inquiry of persons on the registry; establishing criteria for placement on and releasing information from the registry; requiring prosecuting attorneys to provide certain information; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegates Shott and Fast:

H. B. 2195 - “A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor’s committee on crime, delinquency and correction; authorizing the commission to seek and utilize funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature”; to the Committee on the Judiciary.

By Delegate Byrd:

H. B. 2196 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2197 - “A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing the salaries of circuit court judges, family court judges, and magistrates”; to the Committee on the Judiciary then Finance.

By Delegate Fast:

H. B. 2198 - “A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; definitions, and unlawful acts”; to the Committee on the Judiciary.

By Delegates Cooper and Miller:

H. B. 2199 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; providing information through third-party database; and specifying database requirements”; to the Committee on the Judiciary.

By Delegates Rowan, J. Kelly, Pyles and Rohrbach:

H. B. 2200 - “A Bill to amend and reenact §39B-1-102, §39B-1-114 and §39B-1-115 of the Code of West Virginia, 1931, as amended, all relating to prohibiting a person appointed agent under a

power of attorney from exerting undue influence over the principal; defining undue influence; and prohibiting exoneration of a fiduciary who has exerted undue influence over a principal to the Committee on the Judiciary.

At 1:35 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:45 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 1, Inviting the Governor to address the Legislature and raising a Joint Assembly therefor.

JOINT ASSEMBLY

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms next announced Chief Justice Beth Walker and Justices of the West Virginia Supreme Court of Appeals, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Speaker recognized the Sergeant-at-Arms, who announced the Honorable Mitch Carmichael, President, and members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to be seated to his right and the other members to be seated in the places reserved for them in the Well of the House.

The Sergeant-at-Arms then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Storch then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Clerk's Desk. (Applause, the members and guests rising in ovation)

The Speaker then presented the Honorable Jim Justice, who addressed the assembly as follows:

Address by the Governor

GOVERNOR JUSTICE. Sit, sit, listen. Let's get at this. Thank you, sir. Well, when I was getting wired up out there just a second ago, there was a scene on the practical jokers where we have a ball of wires and they're in a ball and they're trying to get somebody to untangle it, and Marshal and I were fighting with that just a few minutes ago, boy.

But nevertheless, it's great to be here, it's holy ground, sacred ground, and I know just how serious and how big of an impact we have on so, so many.

So let me tell you this: I'm fortunate to report that since the first time I was here, I weigh about the same amount. Now, that's not good news. But I hope tonight I'll have a lot of good news for you.

You know, I know how hard you work. I know how hard it is to serve. I know how much you have to sacrifice from your families and your businesses. And mine the same. And so I've got Cathy, our First Lady, over here, Jill, my daughter, that has a beautiful, beautiful grandson, and our only grandson, J. C.

And her husband Adam's not with us right now, because he's looking after J. C. as he's bouncing off the wall everywhere. And my son Jay. And it — (APPLAUSE), and his wife Catherine's not able to be with us tonight. And right beside Jay is my older son Bray. So — and believe you me, he's a whole lot more to handle than all the rest of them.

But tonight, they've made a little more room for me, and they've given me the opportunity to sit on my stool. Now, I do that lots of places, and I do that because my knees are in really bad shape. Of course, you know that. And I've had 10,000 surgeries — and I'm exaggerating to make my point, but — and I've still got to have some more. I was just too slow in sports to get out of the way, and so I got hit a lot. And —

But tonight, I'm proud to be sitting and talking to you and not at a podium maybe lecturing to you. And the same is true for all those that are out there watching us on TV right now.

To me, I need to be talking to them as if I were in their living room, or if I were sitting on a log with them in the middle of the woods grouse hunting.

You know, that's what I think the people really, really connect with and really get. Now, I know that it would be impossible for any of us to disagree that the first time you ever saw me, the first time I walked in the door, things were pretty doggone tough.

The first set of books they handed me — you know this, and you know I'm not exaggerating in any shape, form or fashion. But our state was bankrupt. There's no way around it. I mean, when you look at the current year you're in with the \$217,000,000 deficit that you're going to have that year, six months have already elapsed before I walked in the door, and we're saying, we're going to be \$217,000,000 short that year. And the next year, it's gonna be

\$497,000,000, and the next year, 600 and some. And in the last year, \$772,000,000.

Now, that's not how bad it's going to be; that's cumulative how bad it's going to be. So yeah, add them all up. And before you know it, you get to a number that is so astronomical, it's not even comprehensible.

Now, anybody would say — anybody would say, "Well, what are we going to do? What are we going to do? How much money do we got in the bank?" And immediately turn to the Rainy Day.

And we say, "Well, we can't take any more money out of Rainy Day, because if we take more money out of Rainy Day, the bonds are already going to be de-rated, and they were. So what are you going to do? What are you going to do?"

And I prayed a lot. A lot. And I truly give the good Lord the credit for all the good ideas, and I'll take the credit for the bad ones. And I've had plenty of credit for the bad ones. And I said, somehow, some way overcome them and work.

But at the end of the day, after we went through everything there was to go through, 23 months later, we're here today, 23 months. Seems like an eternity, but it just seems like it just happened yesterday.

There's been lots and lots and lots of hard work. You've done a lot of great work, you really have. And I could never thank you enough for it. I could never thank you enough for the State, for the people of West Virginia. I do feel like I came up with a dadgum good bunch of ideas, but at the same time, I thank you for your work.

This is not a king or a dictatorship. This is not one. This is a body of people that are all in this together, working for one cause, in my book, and that is for the people of this state.

Now, I'm very proud tonight to say just — when I got here, we had multiple, multiple years - four or five years - of cut budgets. Didn't have anywhere to go. Had to cut. Had to cut to balance the budget.

Well, we haven't had any cut budgets recently, and we're not going to have one today either. Today, we have things that are so good, so pluses. No new taxes. Did you hear that? No new taxes. (APPLAUSE)

In fact, we're going to embark on significant tax cuts. Now, I know there is those out in the never-never land that are wondering, well, how? How can it be? How can you possibly, possibly embark on all of these things that have been introduced or that are floating around out there?

I'm going to tell you tonight. And I'm going to tell you, at the end of the day, you're going to see a budget that is increased less than the rate of inflation, a budget that is increasing significantly less than the — than the economic growth of our state, and it's going to be able to do all the things that I've told you that we could do.

I challenge you over and over to watch the numbers. We all know on day one that — red, red, red, red. Today, we have an all-time record. Now, I'm telling you, this bothers me. But when you're able to announce to the world -

whether it be in the media or social media or all of our friends or whomever it may be, but you're able to announce - that the biggest in the State's history — now, that's pretty damn big to me.

I mean, that's all there is to it. The biggest in the State's history. The biggest in the State's history. For six months, a surplus bigger than we've ever had before. And the largest revenue that we've ever had before in the first six months of collection.

And I tease about Bray all the time. But I'd say if you go back to whenever in West Virginia, even Bray wasn't here then. Now, it's possible, but I'm not sure — we probably should get a birth certificate. But nevertheless, it is really an accomplishment.

No one guy can do this. There's no way. Tonight, I would — I would have said before, make education our centerpiece. You see, I've really been a believer that education is the hot spot that really can change our image.

You know, so many on the outside — you and I know how good it is here in West Virginia, and we know how great our people are here. We know how good our schools are, and we know how low crime we have and all the goodness that we have and the beauty beyond belief.

But the outside world doesn't know it. The outside world, in all honesty, thinks that we're — or maybe thought is the right word, that we're backward, or that we're absolutely naive. I've said it over and over, we had to kill a deer every day in school to feed the kids.

But that's not the way it is. That's not West Virginia. So I said, let's make education our centerpiece. It in itself, that stake we put in the sand right there, that very stake, has changed a lot of our image.

Now, we decided to make education our centerpiece. I am telling you, in my world, at least, we have made education our centerpiece.

Now, we have decided to invest. We got rid of A through F. We absolutely got rid of so much of the ridiculous testing, and we put control back in the local hands as much as we can.

We absolutely gave a 5 percent teacher's pay raise, and we ended up giving a 5 percent across-the-board pay raise to all State employees. We did change our image. We've still got a long ways to go, but we did change it.

Very proudly tonight, very proudly tonight, I am saying that within my budget, I have included a 5 percent pay raise for all State employees.

In regard to PEIA, PEIA, I promised that we would put \$50,000,000 in PEIA one year, \$50,000,000 the next year, \$100,000,000 total. That was the beginning of the talks.

Then we decided, well, we've got enough surplus dollars, we could put \$100,000,000 into PEIA right now. Now, it's not a —(APPLAUSE) I'm — I'm really only getting started. And that's the good part. The other thing is just this: Through — \$100,000,000 in PEIA is not going to solve PEIA forevermore. But today, PEIA does not need any true-up moneys. Putting \$100,000,000 into PEIA is a giant first step. And we can do that, and that is exactly what we're going to do.

But in addition — in addition, just think about this: Dave Hardy, our Secretary of Revenue and his great disciples, they have found a way that really and truly, we can dedicate not 100 percent of that as required, but only \$105,000,000 will earn us \$150,000,000 that we can dedicate to PEIA today.

So that's not what we're going to do. We're not going to do \$100,000,000; we're going to do \$150,000,000. And you know what we're going to do? We're not going to take one dime of that from the budgets, the upcoming budgets.

Now — I'll talk about that again in just a second. But — am I messing up here somewhere? My PBS mic's not on. Well, that's good. Let's just take time to fix it.

I'm not in charge of the electronics now. This isn't a shock collar, is it? While we're doing that, I'm going to untangle wires. No, I'm not either. I can't — I can't pull it off.

Okay, are we good? All right, we'll try again. I'm going to start from the beginning.

No, I better not do that, huh? Of course, you know my commitment to education. I love kids. I love — I love what they bring to us every day. I have a great fortune to be with kids in the wintertime, a whole lot. And I just — I think you can learn so much, and they're — it's easy to say that they're a hope, but they are. And they're naive, and they learn so much, and we owe them everything.

You know, tonight, we have with us a teacher, Jada Reeves. She teaches at Brandley Elementary School. Bradley Elementary School — my son Jay and Jill know Bradley Elementary School really, really well, because Mo Ball who's sitting here in the grandstand with us somewhere, Mo Ball took them — Mo Ball was a custodian at Bradley Elementary forever, and he was a basketball coach at the school and did great stuff with — with lots and lots and lots of kids, is my best buddy on the planet.

Now — so Jay and Jill went there many, many, many times working and honing their basketball skills with Mo. But Jada Reeves, a fifth grade teacher from Bradley Elementary School, would please stand up, and we want — let's recognize her as our Teacher of the Year. (APPLAUSE)

Everybody started clapping before I could tell them that you were our Teacher of the Year. Congratulations. They must love you, and so do I. Thank you.

Another individual I'd like to introduce real quickly is Dan Anderson. Dan Anderson leads our charges at Appalachian Bible School, and what he's done at Mount Olive, he needs a great big round of applause. So wherever Dan is — is he here with us tonight? Please stand, Dan. (APPLAUSE)

Tonight, I'm putting a challenge out to our State Department of Ed. We have to improve our math scores. In 2020 — right now, we've got to get it done very quickly. Right today, we've got to go to work, and we've got to improve our math scores. We've got to do something about absenteeism, and we've got to make West Virginia the first state —

You know, I love to say "first," I love to say "first." — the first state to offer computer science class in every high school within our state.

The other thing is, I want them to always be revisiting our state aid formula just to look — just to look at ways or possibilities to always make it better.

I want to urge you to pass into law the ability to raise our math, our science, our foreign language or our special ed teacher salaries in order to be able to be competitive and to attract those people here. (APPLAUSE)

I want you to allow our teachers to be able to bank their leave days. We got away from doing that, but I absolutely believe that it will be beneficial to us, it will surely help in our absenteeism, and it will be beneficial to our teachers. So — (APPLAUSE)

I also want our Promise scholarship to be covered for vocational education.

Now, there's a special project in West Virginia that's been amazingly special. You know, my wife Cathy, she's — she's not involved like a scatter gun in every project known to man, but nobody is kinder, nobody is more directed, nobody is more sincere to communities and schools than Cathy.

My salary — if I didn't do this, she'd kill me. But my salary is all dedicated, 100 percent, to Communities in Schools. Now, Community — (APPLAUSE)

Communities in Schools, I think in West Virginia, really started in Greenbrier County.

Now, there was a lady that brought it there — I think it was Emily Haas if I'm — is that correct, Cathy? And really brought it when Bobby Haas was with the Dallas Cowboys and they moved back — or to Greenbrier County. It is incredibly successful. It is unbelievably successful.

Tonight, you're going to hear a lot of just this: We have got to refocus ourselves on our youth and some way steer them away from this horrible drug epidemic and help them become a work force that we've got to have in West Virginia.

Now, the site coordinators working with kids in Communities in Schools do an unbelievable amount of work in a lot — and they touch kids when they're having troubles, they're having all kinds of issues. A lot of us maybe here don't realize just what they do and just how good they truly are.

In Greenbrier County, I think they have 100 percent graduation rate. And today, we're only in about three or four counties within West Virginia, and we've expanded that since we've been here and since Cathy's gone to work on that.

Tonight, I am calling for \$5,000,000 within my budget to expand Communities in Schools statewide. And I've got a special presentation, because tonight — and I — and forgive me if I mispronounce, but if this gentleman could stand: Dale Erquiaga. Is that close?

Is Dale with us tonight? Up here? If Dale will stand, Dale is the guru of communities in Schools.

And please give him a good round of applause. (APPLAUSE)

Now, also I've got one other smaller friend that from time to time — you know, he and I kind of bingo off of one another and we enjoy each other's company a little bit, he's a good guy, he's real involved in Communities in Schools, and I think we're going to show — wherever it may be — over here, we're going to show a little video. (Video playing:)

SHAQUILLE O'NEAL: Communities in Schools is an incredible program doing great work, and I'm glad to hear the sincerity and commitment to Communities in Schools. You know, it's very encouraging when an entire state gets behind a program like this, because it's all about helping one another.

Thank you very much. Governor Jim, you know I love you. (Kisses) (Video ended.) (APPLAUSE)

Shaq is really involved with Communities in Schools and does tremendous work, and he's a great friend, and don't be paying any attention to his kisses and love bit. But what a great, great, great person.

If I could jump from this to Commerce. The Department of Commerce today, we have new leadership. We have Ed Gaunch. Ed — (APPLAUSE)

If I could say this about Ed, he brings — he brings friendship; he brings respect, from you. He brings knowledge. He brings a lifetime of business wealth and experience to the table, and he's going to really help us.

I say this real quick: Don't think for a second that the China issue is off the table or the natural gas hub is gone. Today, like it or not like it, but we're still having a little bit of head-butting going on with the U.S. and China, and until the dust settles, you know, between our Presidents and everything, we're probably going to have a little head-butting going on, but they're still in touch all the time.

There's absolutely so much interest in West Virginia. We have so many possibilities for manufacturing and natural gas hub and expansion of our coal industry and on and on and on, tourism through the roof, and so many different things, that we need a great man like Ed - and we've got him - and I'm really proud to have him.

Tonight I'd like to introduce one other person, Phil Dickinson. Now, Phil is here representing the British ambassador, and the British ambassador came just not long ago, and he's got all kinds of ideas and possibilities and things that they could bring to us right here from Europe, from England, and do great, great stuff as well.

So wherever Phil is, if Phil would stand. Good to have you, Phil. (APPLAUSE)

Okay, if I could jump from there to tourism. And tourism is another wonderfully bright spot in West Virginia. Wherever Chelsea Ruby is, I'd like her to stand. Is she — where's Chelsea? Chelsea, great job. Great, great job. Unbelievable job.

I mean, think about this — (APPLAUSE)

I think that we could clearly say that in 2017, we had unbelievable growth. We greatly surpassed the natural growth. In 2018, it looks even stronger and stronger. Our hotel occupancy is up 11 percent. You know, our increased

prices in revenue in our hotels is up 13.4 percent, and I will be asking you for another \$14,000,000, because every dollar we put in tourism comes flooding back to us. It's a multiplier effect.

It's just absolutely a cash register. We put the money in, it comes flying right back at us. We seeing this every month in our surpluses. This is the state that ought to be the number one state in the nation as far as tourism, and that young lady is doing one whale of a job. Thank you, again, Chelsea. (APPLAUSE)

Now I've got to report real quickly about our state parks. We sold \$60,000,000 of excess lottery bonds to upgrade our state parks. We have absolutely been doing that. That's all underway right now.

You know, we're getting a tremendous response with our state parks, and there's just lots and lots of good going on there.

As far as our DNR efforts we've made, you know, we have reestablished an Elk herd in West Virginia; we're extending deer seasons. We're doing so many things with our trout and our streams, and we're exposing this state in so many ways, it's unbelievable.

But now, let me just tell you one other thing that can be done. Now, a lot of people look at me like a three-headed monster when I told you things and you thought, no way, no way, coal severance tax aren't going to come back, this or that or whatever it may be.

But I am telling you today, Austin Caperton, who is a leader beyond belief, is not with us today right now because he has been under the weather and he's had some surgery, and Austin will be back soon. We miss him.

You talk about a super star. Now, he is a flat-out super star. But here's what I am going to ask Austin to do tomorrow, and that is just this: It's something that we need so badly within West Virginia, it's unbelievable.

We need to develop multiple lakes within West Virginia, multiple lakes that can give us hydroelectric power — which maybe we don't need, but at the same time, they can give us flood control.

We need the ability to develop those lakes. Do you know if you step back and think about it, four of the most beautiful seasons in the world, the most incredible people on the planet, the most unbelievable natural resources, and we're located within 600 miles of two-thirds of the people in the country. The only thing we don't have is an ocean.

Now, I am telling you, our state needs more developable lakes. It is a project that you may think is a pipe dream, but I am telling you, without any doubt, there is an infrastructure program about to be announced by our President, and we need to be at the line waiting. Austin Caperton will lead the charge for us.

Now, if I could switch to that — from there to roads. Our Roads to Prosperity program, no one can deny, it's absolutely been a knock-it-out-of-the-park, home run, grand slam, grand slam. It's created all kinds of new jobs. Absolutely, it's working. It's working in every way.

We salute all the great people that made the licks and made it all work and made it all happen.

Before I get into the last component of this, I'll say to the people out there in the world, the tolls on the turnpike are going to change to \$4.00 in a couple of days, and we have pleaded with you, pleaded with you, to buy your E-Z passes that are going to cost you almost next to nothing.

Now, the idea that Mountaineers — now, others out of state can go too, but Mountaineers should go free. And that's as close to free as we will ever be able to get. You've got to go buy your E-Z Pass. We cannot make the horse drink, but we can take it to water, and we've taken you to water, so you have to go apply and buy your E-Z pass.

Now, we've got a terrible backlog with the E-Z Pass situation, and we almost caused the dog mess of all times. We could have been out there at the toll booths, you know, on January 1st writing people notes and saying, "Well, you can go," "You can't go."

Before you know it, we'd have had traffic backed up to Pittsburgh. We figured it out and we got caught up, and we've had umpteen, umpteen people that put in all kinds of licks to get caught up.

You know, my office, Parkways, everybody in the world, and we are caught up. So please, if you have not applied, apply.

Now, back to our roads just a second. We've done — I don't know how many, but it's hundreds of projects already. Here's the very thing, though, that we need to do: We've got to shift a little bit of the focus — and we have had extensive discussions with the bond holders and everything else, that we can do this.

We've got to pull some of the money out of the bigger projects and move some of the money — or significantly more money. Not more than all the big projects, but a little bit of additional moneys over to fix more of our secondary roads. (APPLAUSE)

I'm glad to see you all get up. I thought you were going to sleep. Okay. If I could have General Hoyer stand, if where — where is General Hoyer. (APPLAUSE)

Okay, we're going to all stand again for this man. General, all I can say, for all of us and all of us as West Virginians, all of those as Americans, you talk about us having a super star in our midst, we all thank you. We all applaud you.

You know, I think of so many things, whether it be RISE or whether it be just the — just the fact that he's ready at any moment to lay his life down for all of us, absolutely this man and what he's done is unbelievable.

You think about — the Guard has brought in 300 jobs in the last year future — or near past, and it's created an economic impact on the State of West Virginia of 361,000,000.

A lot of times, that goes unnoticed. But in addition to all that, think about the Mountaineer Challenge Academy. Think about young men and women that are just absolutely lost, lost. Last year, they're going to have above a 90 percent graduation rate. And those people are on their way.

You know, so General, again, we all thank you in every way possible.

If I could speak of the RISE program just real quickly. We got a little bit diverted. And the reason we got diverted is one thing. And I'll talk a little bit about this in just a second. But you see, I came here, and I have never wanted a dime. Not a dime. I drive myself, put my own gas in. I don't want a dime.

Absolutely now, it's tough to step up like that. Some people can't. But at the same time, when we get off track and it seems to me like that government is throwing away money or people are taking advantage or there's improprieties that look absolutely wrong, I'm going to be tough to deal with. That's all there is to it.

And we got going in a direction that we would have thrown away millions and millions and millions of dollars. We had to stop for a minute or two. And the General came to the rescue and stepped in.

And tonight we have John and Grace Harris with us, and they are the first — first stick-built home occupiers that we have now finished their home, and if they would stand, I'd love for you to give them an incredible round of applause. (APPLAUSE)

There's lots more to do. And the General's all over it, and there's lots and lots and lots more to do. There's dollars — there's significant dollars out there that are at our fingertips, and we may be — we may not be — we may not have to have all the dollars for the flood victims, and we may be able to redirect some of the dollars and the economic recovery or redirect some of the dollars into something that I feel is a real pet peeve, and that is just this:

You have a Senator in your midst tonight, a good man, that has been after this project for a long time, and that is some way tearing down these abandoned homes and abandoned buildings that scatter all over our state and clutter us in every way. And so we're going to try to redirect some of those dollars and do just exactly that.

Now, let me jump to the veterans. Our veterans, we owe all to. We all know that. We are able to exempt their retirement. Good stuff. There's a few other things that we're able to do right now that you'll see in the budget, good stuff.

But I can tell you just this: For any of us here that think that we don't owe every single thing that we have to our vets, we're just plain wrong.

Dennis is here tonight. If Dennis would stand, let's give him a big round of applause. (APPLAUSE)

Okay, so we've done a bunch of stuff. You see my hand? My hand's got four fingers and a thumb. And sometimes your thumb can get in a lot of ways, get caught in a door or whatever it may be. But these fingers, if they were to represent our economy, education, our veterans and our roads, we've done pretty good on those four fingers.

But every time we jam our hand in a glove, we hook our thumb, and it just won't go just right. We keep just messing up and messing up and messing up.

What's the last component? Now, there's lots and lots and lots of stuff still to do. But what's the last component? We've got to fix the drug problem. We have to fix the drug problem. We have to be committed enough to fix something that is absolutely cannibalizing us.

Now, in Cabell County, we just had information that we reduced our overdoses by 40 percent. Marshall University, we started a Governor's Council on Substance Abuse Prevention. We have done lots of stuff, and we're making headway.

The very number one thing you had to have to get the drug problem halfway under control is jobs. But you know what? We're losing the battle. We're losing.

Now, if you don't know that we're losing, get out there in the field and look and talk to people. We're losing. So I'm going to ask you tonight to trust me. I'm going to propose a program to you right now, and I'm going to ask for your trust.

You see, I would say to you just this: What would you do — what would you do if you were in a baseball game or a softball game — what would you do if the count was 3-2? What would you do if the bases were loaded? The other team was at bat and your team was one run ahead. The bases are loaded. The other team's at bat. There's two outs. The count's 3-2.

You're on second base. You're in right field. You're standing there pounding your glove, and you're saying — as the pitch is on the way, are you saying, "Please, Lord, don't let them hit me the because I'll muck it up."

Or are you hitting your glove and saying, "Please, Lord, have them hit me the ball. I'll make the play. I'll make the play. I want the ball."

Well, you see, right now, I'm going to ask you for the ball. Now, I'm going to call this "Jim's Dream," because I want it to be just that. I want it to be a dream that we can take our people off this terrible trail of terrible — terrible drug trail, and we can put them in a job, and we can give them real live hope.

I'm going to tell you it's going to take some money to do this. Not all the money in the world. But let me just tell you — and there's so many — there's going to be so many opinions of what it — how we ought to do this. This is the most important thing that I'll talk to you about tonight.

You know, there's going to be opinions, "Well, we can do it at the community college," "We can do it at the four-year schools," "We can do it through the vo-tech," "We can do it through education," we can do it through this, we can do it through that.

But I'm going to tell us just this: Just give me a chance. Just give me a chance to fix it. You know, I can get it done. I want the ball.

So if Rebecca will unveil this. The "J" is going to stand for "jobs." The "I" is going to be "in." The "M" is going to be "making." And the little apostrophe is upside down, and we twisted it around to make a "U." "Succeed."

Now, looks a little funny, doesn't it? But it looks pretty much like I'd probably write. But here's what I think we need to do: I think our best alternative today is the adult training — or the adult learning educations in the education department. The problem is just this — and here's the problem: Nobody's really going today. The reason nobody's really going is not because it's not a good program, it is because - and I don't know how to speak of this any way but folksy, like you've heard me speak - it's not the real deal. It's not real training that they can go get a real job. But what I'm going to ask you for is \$5,000,000. \$5,000,000 to put into prevention.

I'm going to ask you for \$10,000,000 to put into DHHR into treatment. I'm going to ask you for \$10,000,000 for staffing and replacement and maintenance of equipment at the training centers, at the vo-tech centers.

And then I'm going to ask you that if I — if I'm an addict, and I go to treatment and I get better and then I go into some level of training and I get a certificate, that you will be able — I will be able to take that to a court and get immediate expungement of a misdemeanor that I have. Not felonies, but a misdemeanor. (APPLAUSE)

I want to tell you one more time how it's going to work. Through the surpluses that we have today, I want to take \$20,000,000 out of those surpluses, through an appropriation, \$20,000,000 out of their surpluses, and buy all the necessary equipment that I'm going to have to have at all of these centers to be able to do the level of training that I think needs to be done.

Now, think about it. You can't go learn how to drive a pickup truck and go to a surface mine job and tell them you can drive a 777 rock truck.

You can't go to somewhere and learn how to tack weld and go to a — you know, to an industrial site and say you're an industrial welder. These people can't get jobs. Let's just tell it like it is. They can't get jobs.

And if we lay — if we lay the burden on our continue — on our ongoing budget, we lay a burden on that we say we need \$50,000,000 ongoing to be able to perpetuate a program like this, we don't need that. We don't need that.

It's time to start to be able to have the equipment onsite to be able to teach the welding, to teach the electrician stuff, to teach the heavy equipment operation, to teach and build our work force.

You know, I heard it 10,000 times. I don't know how to say it any better. Companies all over the place come in my office and they talk and they talk and they talk and then they say, "Well, you don't have a qualified work force here. I don't know how in the world we can come here."

The other thing: "You've got people who can't pass a drug test." I say, why don't we train them? Why don't we train people to do something? Why aren't we training people? Why don't we absolutely, some way, somehow, let our people that are struggling on drugs beyond belief go get treatment and go get treatment for free, provided that they'll come out of treatment and go into some level of training and provided they'll take constant drug tests? Why don't we absolutely train our work force and give those people hope?

I don't get it. Now, we have too many ideas, too many ideas. Let me fail. Let me fail. Give me the ball. Just let me fail. Absolutely, I promise you, I'll run across the finish line, and I won't fail.

Our State Police had our first cadet class not long ago. We just started on Monday our second cadet class. They need a few dollars to update the forensic lab, and I've got that in the budget. (APPLAUSE)

Child welfare is a real issue. Of course, everyone knows my commitment and how I feel about kids. Foster care, we're really upside down, and we've got to figure out the foster care crisis, and I'm going to challenge all of you all to bring me — bring me solutions. Bring me answers of what we can do.

I want to begin immediately — I want to take \$10,000,000 directly out of the surplus moneys that we have now, and I've got \$5,000,000 in the budget to immediately build back the Anthony Correctional Center. We need it built back.

As far as medical cannabis, we need to solve the riddle, guys. We're running out of time. There's a lot of people out there that are hurting, and they could probably very well use medical cannabis.

I want everyone here to understand —(APPLAUSE) I want everyone here to understand this and understand me loud and clear. I am adamantly, adamantly, etched in stone, adamantly against recreational marijuana.

Today — and this is the fun stuff. Today, I'm requesting the elimination of the business inventory machinery tax. (APPLAUSE)

Since the first day I came, I'm a business guy. I haven't changed. I'll tell you the truth. I'll tell you what I think. I think — and I make mistakes. I'm a business guy.

I know that wherever we can, we look for — and we found waste upon waste upon waste that we've been able to cut out. We found ways to streamline government, and now today, we can streamline even more.

We have found 2007 jobs in government today that have not been filled in the last year. They have been vacant for a year, and we want to eliminate them all.

Now, I don't mean this in any way to sound like a tough guy or whatever, but I meant it when I said that as far as — I've done this job for nothing. And if you're going to do something for nothing and put your heart in it, you're not going to stand back and stand there comfortably with your buddies and your friends wasting money and just have everybody on the dole and think it's okay. It's not okay.

And whenever I can find it, I'm going to uncover it. And when I uncover it, I'm going to try to do something about it.

Tonight, we have another special person with us. She's with the AARP. Her name is Gaylene Miller. And if Gaylene could stand, wherever Gaylene is. (APPLAUSE)

And Gaylene, don't sit back down, Gaylene. Stand, if you would, just for one second. Because together, you and I and all this great body — I have sent up, and now today — today is the time for us to eliminate the tax on Social Security. (APPLAUSE) Okay. Let me just say this, that what we're going to do in regard to Social Security is two things. We're going to give you a choice. If you want the \$8,000 deduction, you can keep that. You can't keep — have

them both. If you don't want that and you want totally exempt on your Social Security from State income tax, you've got that. Your choice.

It's time to create an Intermediate Court of Appeals in West Virginia. It's another step forward to instill — to restoring honor and integrity back to the court system.

I've just got a couple more, and I'll go quickly. Not long ago, our mine rescue teams, they brought three people out of a mine, and all of us know that without any question, they had no business being in the mine.

All of us know that maybe we just need to stiffen our laws even more to make it more of a deterrent for them to go. I'm all for that. I am 100 percent for that.

But I would tell you just this: They're our brothers and our sisters. They were in there. And just think, the mine rescuers — I said, "Can you tell me — can you tell me they're not there? Can you tell me that it's unsafe to go and try again?"

And they said, "We can't tell you that. But we feel like that it's not — it's not unsafe, and we could go, but we don't think that they're alive," or "We really don't think that they're there."

But they weren't willing to quit, and neither was I. And lo and behold, we brought them out of here. Your brothers. Your sisters. They shouldn't have been there in the first place.

But just think: What if we had not gone back? What would have happened to those people? And if you can live with this — I can't. We went back and we did exactly what my dad always said to do: "Damn you, there's always something you can do, and you better damn well always remember that."

We went back, and we found them. If we hadn't have gone back, you know what we would have done? We would have taken a D11 bulldozer and we would have pushed dirt against the mine opening so tight that there's no way somebody could get into the mine. And what would have happened to those people?

They had water; they had air. They would have set there until they starved to death. Starved to death. That's what would have happened to them.

We found them. They shouldn't have been there. We should make the laws tougher, but we should celebrate that West Virginians found them. I couldn't be any more proud. (APPLAUSE) Now, I'll end by just telling you this: There's a guy not long ago, he set in my office and he said, "What about this job keeps you up? What about this job keeps you up at night?"

Well, I'll surprise you when I tell you this: What keeps me up is just this: Too many people out there, too many people out there still haven't heard the news. Too many of our people, no question, are still hurting. But too many of our people believe still that they really just should be 50th and stay 50th.

By God, you should know your place. Too many of our people need to hear the good things that we're doing. Too many of our people need to pull the rope all together with us. They want to be — they want to feel good. They want to feel joy in what they do.

Now, let me tell you just this, and this is all there is to it: I came to you again wanting nothing; I came to you just as a man that had incredible experience, a man who's probably made so many mistakes, maybe as many mistakes as there is in this room, and I've learned from them.

I've done all kinds of stuff. You learn. I've got a tremendous amount of wisdom, and absolutely, I would challenge every single person here to know that all I want to do is help. All I want to do is try to do all the good that can be done for our people, and whether I'm here on this planet two more days or with you two more years or with you six more years, I would say "Use me. I'm a resource that can be used, and I'm a resource that can help."

Now, I think big. I think create — with a lot of creativity. Absolutely, look at my track record. I'm not going to let you down. I'm absolutely not going to let you down.

So at the end of the day — I've said this over and over and over. I meant it when I came here and said everything that I just got through telling you. I meant it when I said over and over and over that all I've ever really wanted for this state is goodness and its people. That's all I want.

And I meant it when I said to the people, and I've said to you, that I love you. And I do.

So with that, I'd say God bless you, and thank you again for having me, and let's get to work and do great work. Thank you all. (APPLAUSE)

The committee to wait upon His Excellency, the Governor then escorted the Governor from the Chamber.

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The members of the Senate retired from the Chamber.

The Speaker then called the House of Delegates to order and laid the following communication from His Excellency, the Governor before the House:

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV 25305

January 9, 2019

Executive Message No. 1

The Honorable Roger Hanshaw, Speaker
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2019.

Sincerely,

Jim Justice,
Governor.

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, the Speaker introduced the following bill, which was read by its title and referred to the Committee on Finance:

By Mr. Speaker, Mr. Hanshaw, and Delegate Miley:

H. B. 2020 - "A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution."

At 8:08 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 11:00 a.m., Thursday, January 10, 2019.

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, JANUARY 10, 2019

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 464M**

**SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT
9:00 A.M. – ROOM 215E**

**BANKING & INSURANCE
10:00 A.M. – ROOM 215E**

**COMMITTEE ON SENIOR, CHILDREN, AND FAMILY ISSUES
1:00 P.M. – ROOM 215E**

**COMMITTEE ON ENERGY
2:00 P.M. – ROOM 418M**

**COMMITTEE ON HEALTH
2:00 P.M. – ROOM 215E**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE
3:30 P.M. – ROOM 215E**

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