

RULES OF THE HOUSE OF DELEGATES

INTRODUCTORY

The last complete revision of the Rules of the House of Delegates was in 1935. The rules as adopted at that time will be found in the Journal of the House of Delegates, Regular Session, 1935, pages 45-78.

Since then a number of new rules have been adopted and others amended. All amendments and additions are indicated herein by means of a reference to the Journal showing the session at which the amendment was adopted. HR indicates House Resolution.

Membership of the House

By an act of the Legislature (Ch. 3, Fifth Extraordinary Session, 2001), the House of Delegates shall consist of one hundred members. Fifty-eight Delegate Districts, embracing all counties, each District embracing one or more counties, were established. Delegates are elected for a term of two years.

Qualifications

No person shall be a Delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected, and if a Delegate remove from the district or county for which he was elected, his seat shall be thereby vacated. (Const., Art. VI, Sec. 12.)

No person holding any other lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature. (Const., Art. VI, Sec. 13.)

No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crimes, shall be eligible to a seat in the Legislature. No person who may have collected or been entrusted with public money, whether State, county, township, district or other municipal organization, shall be eligible to the Legislature, or to any office of honor, trust, or profit in this State, until he shall have duly accounted for and paid over such money according to law. (Const., Art. VI, Sec. 14.)

No Senator or Delegate, during the time for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected. (Const., Art. VI, Sec. 15.)

Oaths

Members of the House of Delegates, before they enter upon their duties, shall take and subscribe to the following oaths or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Delegate according to the best of my ability, and that I will not accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold, as Delegate, on any bill, resolution or appropriation, or for any act I may do or perform as Delegate." These oaths shall be administered in the hall of the house to which the member is elected, by a Judge of the Supreme Court of Appeals, or of a Circuit Court, or by any other person authorized by law to administer an oath; and the Secretary of State shall receive and file said oaths subscribed by each member; and no other oath or declaration shall be required as a qualification. Any member who shall refuse to take the oath herein prescribed, shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit or trust in this State. (Const., Art. VI, Sec. 16.)

Under authority of Ch. 4, Art. 1, Sec. 6, of the code of West Virginia, the presiding officer or Clerk of either house may administer the oaths of office to any member or officer of such house.

Privileged from Civil Arrest

Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during

the session, and for ten days before and after the same; and for words spoken in debate, or any report, motion or proposition made in either house, a member shall not be questioned in any other place. (Const., Art. VI, Sec. 17.)

Compensation and Expenses of Members

Compensation and expenses of members are fixed by the combined action of the Citizens Legislative Compensation Commission, created by Article VI, Section 33, of the Constitution. The Commission submits a resolution to the Legislature establishing compensation for members and allowances for travel and expenses of members in connection with their legislative service. The recommendations of the Commission are thereafter enacted into general law. The Legislature may reduce but shall not increase any item of compensation or expense allowance established by the Commission.

The amendment to the Constitution providing for this method of fixing legislative salaries and expenses was ratified by the voters at the general election in 1970.

The Citizens Legislative Compensation Commission is required by the Constitution to submit its determination of compensation and expenses every four years.

Assembly of the Legislature and Organization of the Two Houses

The Legislature assembles annually in regular session at the seat of government on the second Wednesday of January, and not oftener unless convened by the Governor. The custom is for each house to convene at 12:00 o'clock noon. Upon convening in odd-numbered years, each house proceeds to organize by the election of officers for two-year terms. Under the Constitution, the oldest member of each house in point of continuous service present at the assembly of each new Legislature calls his respective house to order and presides over it until a presiding officer is elected and takes his seat—a President of the Senate and a Speaker of the House of Delegates. If two or more members have equal continuous service, the one agreed upon by such members or chosen by them by lot calls his house to order and presides over it until a President or Speaker, as the case may be, is elected.

The practice is for the Clerks of the previous houses to call

the particular house to order and call the oldest member in point of continuous service to the chair to preside until a presiding officer is elected.

The session is then opened with prayer, following which a list of the members-elect and notices of contested elections are received. The roll is then called and the oath of office administered to the members determined to have been elected.

Upon the conclusion of the above formalities, the Senate is ready to proceed to elect a President and the House of Delegates a Speaker. Following the election of these officers, each house then proceeds to the election of other officers, i.e., a Clerk, Sergeant at Arms and Doorkeeper. All officers are elected by *viva voce* vote.

It is then in order for each house by resolution to adopt rules governing legislative proceedings and each to inform the other of its organization. Then a concurrent resolution is adopted raising a joint committee to wait upon the Governor to inform him that the Legislature is organized and in readiness to receive any message or communication he may desire to present.

However, at the session of the Legislature following each general election at which a Governor, and other officials of the executive department are elected, immediately upon the organization of the two houses, they shall meet in joint assembly in the hall of the House of Delegates, where the Speaker, before proceeding to any other business, opens and publishes the election returns in the presence of a majority of each house. (Const., Art. VII, Sec. 3.)

Ordinarily, the Governor appears before a joint assembly to deliver his annual message. He advises the Legislature that he would be pleased to address a joint assembly and the Legislature by resolution provides for a joint meeting of the two houses for this purpose.

Length of Legislative Sessions

The regular session of the Legislature held in 1973 and every fourth year thereafter shall meet on the second Wednesday of January, and after organization of each house by the election of officers and opening and publishing election returns adjourn until

the second Wednesday of February following. Such sessions, upon reconvening, shall not exceed sixty calendar days computed from and including the second Wednesday of February. Regular sessions held in all other years shall not exceed sixty days.

Any regular session may be extended by a concurrent resolution adopted by a vote of two thirds of the members elected to each house.

Extraordinary Sessions

The Constitution provides two methods for initiating the convening of extraordinary sessions.

It is the duty of the Governor to convene the Legislature on application in writing of three fifths of the members elected to each house. (Const., Art. VI, Sec. 19.)

He may, on extraordinary occasions, convene it at his own instance; but when so convened the Legislature shall enter upon no business except that stated in the proclamation by which it was called together. (Const., Art. VII, Sec. 7.)

Resignations and Filling of Vacancies

Resignations of members of the House should be made to the Speaker, Governor and chairman of the executive committee of the party of which the member belongs in the county or delegate district from which he was elected.

Vacancies in the House are filled by an appointment by the Governor, in each instance from a list of three qualified persons submitted by the county or delegate district party executive committee. (Ch. 3, Art. 10, §5 of the Code.)

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

2. In the election of officers by the House, the vote shall be given *viva voce*, 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.

Duties and Rights of the Speaker

Call To Order

3. The Speaker shall take the chair on each legislative day precisely at the hour to which the House shall have adjourned; shall immediately call the members to order and after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR 21, Reg. Sess. 1985.)

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

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. When two or more members arise at the same time, he shall name the one entitled to the floor.

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. He may speak to questions of order 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 member 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.

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 galleries, corridors or passages, 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.

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. (HR 20, Reg. Sess., 1979.)

Effect of 1979 amendment. Created a Speaker *pro tempore* to preside and perform the duties of the Speaker in his absence.

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, upon the recommendation of the Committee on Rules, the Speaker shall appoint such persons to the various positions herein specified, in such number as he shall deem necessary to efficiently carry on the work of the House, but not to exceed the total number herein authorized.

(1) For the Clerk's department the following:

One docket and calendar clerk, who shall number each bill and resolution and keep a correct record of the status thereof, make the proper endorsements on all bills, resolutions, memorials and petitions, keep a record of the proceedings of the House to be used in preparation of the daily Journal, and prepare a daily calendar; one House reporter, who shall be a competent stenographer and typist and shall daily take, collate and transcribe and arrange in logical orders such matters and things as are required for the official records and the House Journal and perform all other necessary duties in relation thereto; two roll call and record clerks, who shall prepare the roll calls for printing, and, under the supervision of the docket and calendar clerk, perform such other duties as may be assigned them; one supervisor of proofreading and five proofreaders, who shall have a knowledge of and expe-

rience in proofreading, as evidenced by such test as the Committee on Rules may require; one bookkeeper and payroll clerk, who, under the supervision of the Clerk, shall keep the accounts of the House and prepare requisitions for payment of compensation of officers and employees, and bills for services, supplies and contingent expenses; one supply clerk, who shall keep and issue supplies and keep an inventory of all properties, equipment and supplies; one bill editor, who shall read and edit all bills before introduction thereof; one enrolling clerk, who shall serve as clerk to the committee on enrolled bills and shall have some knowledge of and experience in proofreading; one parliamentary clerk, who shall serve as House parliamentarian and assist in the preparation of the House Journal and other publications; and one Journal stenographer, who shall type and compile the House Journal.

(2) For other duties and positions the following:

One supervisor of stenographers and fifteen legislative stenographers, who shall be expert in stenography and typing, to perform general stenographic and clerical duties for members and committees; eight typists; eight committee clerks, who shall serve as general committee clerks and perform such other duties as may be assigned them; one clerk, one assistant clerk and two stenographers to the Committee on the Judiciary; one clerk, one assistant clerk and one stenographer to the Committee on Finance; one superintendent of the House document room and five document room clerks; one superintendent of the mailing room and three mailing room clerks; two assistant sergeants at arms, one clerk and one secretary to the sergeant at arms; six assistant doorkeepers; one voting machine and sound technician; two public-address system technicians; four pages; one general information clerk; one supervisor of duplicating department and two duplicating machine operators; five collating and file clerks; two cloakroom attendants; and one chief janitor and five assistant janitors.

(3) In addition to the foregoing, the Speaker may appoint a House chaplain, a secretary, a clerk, a stenographer and, if needed, five general legislative clerks to perform such duties as he shall direct; the majority leader may appoint a secretary and a stenographer; the minority leader may appoint a counsel, a clerk

to the minority, an assistant clerk to the minority, a secretary to the minority leader and a stenographer to the minority leader; and the Clerk of the House of Delegates may appoint a secretary, a stenographer and three assistant clerks.

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

All employees of the House shall report each day to the Clerk of the House of Delegates or some person designated by him, and the Clerk shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Sundays excepted, unless excused by the Committee on Rules. All employees shall be on duty daily during such hours as shall be designated by the Committee on Rules. 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. (HR 22, Reg. Sess., 1963; HR 2, Reg. Sess., 1967; HR 2, Reg. Sess., 1971)

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

Effect of 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 sessions. The amendment made changes in the first and second paragraphs of subdivision (3).

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. (HR 2, Reg. Sess., 1967)

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

Chairman of Committee on Rules

11. The Speaker shall be *ex officio* member and chairman 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.

Examination of Journal

15. It shall be the duty of the Speaker to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected.

Clerk**Clerk to Have 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. (HR 2, Reg. Sess., 1967)

Effect of 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 Rule 9, and shall have the power to remove any appointee and appoint another in his stead. (HR 22, Reg. Sess., 1963)

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

Clerk to Have Charge of All Printing

20. The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes.

Payment for Printing

21. The public printer shall have all bills for printing approved by the supervisor of public printing and then present the same to the Clerk who shall draw his warrant or requisition for same upon the Auditor payable from the Legislative Printing Fund. The supervisor of public printing shall see that all bills are in accordance with the state contract for legislative printing before he approves their payment. A copy of all bills for printing shall be furnished the Clerk by the public printer.

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 shall see that the janitors and cloak-room attendants perform their duties, and see that the House Chamber is properly ventilated, heated, and lighted.

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 have leave, or be sick and unable to attend, but any member who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath shall be excused from attending upon the House on that day.

Every Member to Vote

25. Every member present when a question is put, or when his name is called, shall vote unless he is immediately and particularly interested therein, or the House excuses him. 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.

Members Shall Be in Places When Voting

26. While the yeas and nays are being taken every member shall be in his seat, and during the session of the House no person other than a member shall occupy the chair of a member.

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. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. Committee on Rules was substituted for 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 shall rise in his place and respectfully address the presiding officer as "MR. SPEAKER," and, upon being recognized, shall proceed, confining himself 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 by name; but no member in debate shall designate another by name.

Recognition by the Chair

33. When two or more members shall rise at the same time, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. 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.

Member Out of Order

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him 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 is at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may properly impose.

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. 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.

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 place, and not more than twice on a question, except by leave of the House. And 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.

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. When the Speaker is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

Putting Questions and Voting

Putting Questions; Division

41. All questions on which the yeas and nays are not taken shall be put distinctly 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. (HR 3, 1st Ex. Sess., 1968)

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

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. (HR 19, Reg. Sess., 1945; HR 3, 1st Ex. Sess., 1968; HR7, Reg. Sess., 2007)

Effect of 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 Speaker shall put demand for yeas and nays.

Effect of 1968 amendment. The amendment rewrote the rule.

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

Effect of 2007 amendment. Removed the provision covering one 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 call for a division of any question 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 calling 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.

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.

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. This disqualifying interest must be such as affects the member directly and not as one of a class. (HR 23, Reg. Sess. 1977)

Effect of 1977 amendment. Provided that disqualifying interest must affect member directly and not as one 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 Clerk shall hand the record of the vote to the Speaker and he 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. (HR 1, 1st Ex. Sess., 1936)

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.

4. To postpone to a day certain.
5. To go into a Committee of the Whole on the pending question immediately.
6. To commit to a Committee of the Whole.
7. To commit to a Standing Committee.
8. To commit to a Select Committee.
9. To amend.
10. 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.

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

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. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment rewrote this 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 being in order and having the floor may move the previous question, but such motion to be put must be sustained by being seconded by ten members. The question being moved, the Speaker shall say, "*Is the motion sustained?*" and those favoring the motion shall rise. If a sufficient number arise, the previous question shall be thereby seconded, and the question shall then be put in this form, "*Shall the main question be now put?*" If this question be decided in the affirmative by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered, except when the motion applies to the main question, the member in charge of the measure under consideration shall have five minutes to close the discussion before the vote is taken; and when the motion applies to an amendment, the person proposing the amendment shall have three minutes to close the discussion on the amendment. Should the previous question be decided in the negative, the House shall proceed with the matter before it as though the previous question had not been moved.

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.

The previous question shall not be admitted in the Committee of the Whole.

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, precisely at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at two o'clock P.M.

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 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.
- XV. Miscellaneous business.

Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session. (HR 10, Reg. Sess., 2001, HR 3, Reg. Sess., 2002)

Effect of 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.

Recess for Introductions

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 any member, upon recognition, may introduce to the House citizens seated in the galleries. No such introduction shall exceed one minute in any case nor shall such recess exceed five minutes without leave of the Speaker. Rules of order and decorum shall remain in force during such recess as if the House is in session. (HR 33, Reg. Sess., 1978)

Effect of 1978 Amendment. Provided for introductions to the House of citizens in the galleries.

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. (HR 2, Reg. Sess., 1967)

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

Consideration of Local Bills

69. Local bills shall be placed upon a special calendar to be known as the Local Bill Calendar, and on Friday of each week, after the ninth order of business is passed, shall be taken up and disposed of before any other business is acted upon: *Provided*, That this rule shall not prohibit the consideration of local bills at such times as the House may determine after the last Friday within the constitutional duration of the regular sessions of the Legislature. (HR 23, Reg. Sess., 1937)

Effect of 1937 amendment. The amendment added the proviso providing for consideration of local bills after the last Friday of a session.

Special Calendar

70. The House may by resolution authorize the Committee on Rules to arrange a special daily calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

Consent Calendar

70a. Rescinded by H. R. 6, January 16, 2007.

Effect of 2003 amendment. Made technical and substantive changes to the rule. Principally, the amendment permits the placement of bills reported from committee with amendment on the Consent Calendar provided that they were reported without dissenting vote. Additionally, the rule delineates the procedure to be followed in removing bills from the Consent Calendar, specifically grants the Chair of a reporting committee the opportunity to indicate removal preference on the committee report and provides that the Clerk of the House shall announce all requests for removal of bills from the Consent Calendar filed with him.

Effect of 2004 amendment. Provides that bills on third reading may not be removed from the Consent Calendar.

Effect of 2006 amendment. Provides that bills shall be transferred unilaterally from the Consent Calendar to the Special Calendar, if it be operative, and shall be taken up on the same day as transferred. The announcement of removals from the Consent Calendar shall also be made prior to the House taking up consideration of items on the Consent Calendar.

Effect of 2007 amendment. Rule 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 Constitutional Revision
4. Committee on Education
5. Committee on Finance
6. Committee on Government Organization
7. Committee on Health and Human Resources
8. Committee on Industry and Labor,
Economic Development and Small Business
9. Committee on Interstate Cooperation
10. Committee on the Judiciary
11. Committee on Pensions and Retirement
12. Committee on Political Subdivisions
13. Committee on Roads and Transportation
14. Committee on Rules
15. Committee on Veterans Affairs and Homeland Security

(HR 13, Reg. Sess., 1945; HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1967; HR 4, Reg. Sess., 1977; HR 6, Reg. Sess., 1981; HR 24, Reg. Sess., 1986; HR 2, Reg. Sess. 2001; HR 2, Reg. Sess., 2003; HR 2, Reg. Sess., 2005)

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

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

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

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

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

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

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

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; and (b) natural resources in general, including game and fish, forests 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 Constitutional Revision:* (a) Proposals to amend the Constitution of the United States or the Constitution of the State; and (b) legislation relating to constitutional conventions.

4. *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.

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 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.

7. *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.

8. *Committee on Industry and Labor, Economic Development and Small Business*: (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; (i) infrastructure; (j) small business; (k) e-commerce; (l) e-government; (m) economic development; and (n) job creation.

9. *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.

10. *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; and (k) other matters of a nature not deemed properly referable to any other standing committee.

11. *Committee on Pensions and Retirement*: (a) Continuing Study and investigation of retirement benefit plan 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.

12. *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.

13. *Committee on Roads and Transportation:* (a) Highways, public roads, railway, 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.

14. *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; and (i) sale of food and administration and assignment of office space in the House wing of the Capitol.

15. *Committee on Veterans Affairs and Homeland Security:* (a) Veterans' measures generally; (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, and (e) measures relating to detection, protection against, response to, and recovery from terrorist attacks, internal or external. (HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1967; HR 4, Reg. Sess., 1977; HR 6, Reg. Sess., 1981; HR 24, Reg. Sess., 1986; HR 2, Reg. Sess., 2001; HR 2, Reg. Sess., 2003; HR 2, Reg. Sess., 2005)

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

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

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

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

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

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

Composition of Committees

78. The Committee on Rules shall consist of not less than seven nor more than eighteen members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven 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. (HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1957; HR 22, Reg. Sess., 1963; HR 2, Reg. Sess., 1967; HR 6, Reg. Sess., 1997; HR 2, Reg. Sess., 2001; HR 2, Reg. Sess. 2003; HR 2, Reg. Sess., 2005)

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

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

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

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

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

Effect of 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.

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. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. This rule, originally dealing with 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 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 committee as previously 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. (HR 2, Reg. Sess., 1967)

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

Report 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. (HR 4, Reg. Sess., 1947)

Effect of 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, 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 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 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. (HR 27, Reg. Sess., 1965; HR 5, Reg. Sess., 1970; HR 5, Reg. Sess., 1971; HR 11, Reg. Sess., 1975; HR 7, Reg. Sess., 1976)

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

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

Committee Hearings

84. On written request of the introducer of a bill or any interested person or organization, timely made to the chairman or clerk of a committee, a public hearing shall be held on any measure on the official agenda of the committee.

The chairman 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. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002).

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

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

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

Witnesses Before Committees

84a. Every committee of the House shall have authority upon its own motion to administer oaths to any witness appearing before the committee at any 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, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

No committee shall invoke this rule unless in the judgment of a majority of members appointed to the Committee special circumstances so require. (HR 15, Reg. Sess., 1976)

Effect of 1976 amendment. The amendment gave each committee the authority to administer oaths to witnesses and provided for the issuance of subpoenas by the House.

Committee Clerks

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be neces-

sary 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.

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 forty-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 forty-fifth day of the regular session held in the year one thousand nine hundred ninety-seven 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 the provisions of this rule, quadruplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced. (HR 22, Reg. Sess., 1981; HR 17, Reg. Sess., 1994; HR 11, Reg. Sess., 1995).

Effect of 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 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 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.

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. (HR 26, Reg. Sess., 1963; HR 3, 1st Ex. Sess., 1968; HR 3, Reg. Sess., 1972)

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

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

Effect of 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 first-named sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than ten 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)

Effect of 1988 amendment. Allows 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 1996 amendment. Allows 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.

Bills to Be Presented in Quadruplicate

93. All bills for introduction shall be presented in quadruplicate bearing the name of the first-named sponsor and the name or names of all cosponsors 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, one copy shall be used for printing and copying, one for the use and accommodation of the news media, and one for the Clerk's office files. (HR 3, 1st Ex. Sess., 1968; HR 12, Reg. Sess., 1996)

Effect of 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 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.

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. (HR. 40, Reg. Sess., 1937; HR 18, Reg. Sess., 1992; HR 15 Reg. Sess., 2005)

House Clerk's 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. (HR 13, Reg. Sess., 1988)

Effect of 1988 amendment. Allows the introduction of bills by request.

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.

Effect of 1975 amendment. No bill shall be referred to 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. (HR 14, Reg. Sess., 1988)

House Clerk's 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 1979 amendment. Effective January 15, 1980, fiscal notes are required of all political subdivisions.

If in the opinion of the chairman of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested, the bill may be considered.

Effect of 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 the rule.

Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. For HR31, Reg. Sess., 2005)

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 pro-

pound 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. All bills favorably reported from committee and such other bills as the House may order shall be printed promptly. (HR 2, Reg. Sess., 1967)

Effect of 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.

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. No bill shall be put upon its second reading until the same shall have been printed, or otherwise mechanically reproduced, and shall have been made available to the members of the House in the House Document Room, no later than 6:00 P.M. or the hour of adjournment, whichever be later, on the day next preceding the day upon which it is to be read a second time.

Upon receipt of the printed or reproduced bill, the Clerk shall, forthwith, place copies of said bill on the desks of each member and, if possible, in the bill books; however, the failure of the Clerk to do so shall not be cause for delaying action on the bill.

Bills, resolutions and other documents in electronic format and available to the members on the Chamber Automation System shall be in compliance with the provisions of this rule. (HR 31, Reg. Sess., 1971; HR 4, Reg. Sess., 2002).

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

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

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

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. [Const., Art. 14, Sec. 2.] 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 com-

mittees, 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. (HR 2, Reg. Sess., 1967)

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

House Clerk's 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; Preintroduction Review by Committee on Rules.

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.

Before any concurrent or house resolution is filed with the Clerk for introduction, it shall be submitted to the Committee on Rules for determination of compliance with this rule and no such resolution shall be introduced without the approval of said committee. (HR 3, Reg. Sess., 1974)

Effect of 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.

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 quadruplicate 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. (HR 3, 1st Ex. Sess., 1968)

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

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. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1963; HR 2, Reg. Sess., 1971)

Effect of 1961 amendment. The amendment required that resolutions, other than joint resolutions, lie over one day and come up under the ninth order of business the following legislative day.

Effect of 1963 amendment. The rule was rewritten with the principal changes being the requirement that all resolutions be referred to a committee and inserted in full in the Journal when reported from committee. A new paragraph was also added making the rule applicable to Senate resolutions reported to the House.

Effect of 1971 amendment. The amendment provided for inserting resolutions in full in the Journal upon introduction instead of when reported from committee.

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 resume 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.

Amendments

Forms For

112. The Clerk shall furnish to members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the member offering the same.

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 res-

olution 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 printer, to be printed and distributed without delay.

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. (HR 2, Reg. Sess., 1961; HR 10, Reg. Sess., 2000)

Effect of 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 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, Reg. Sess., 1959; rescinded by HR 2, Reg. Sess., 1961)

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. (HR 4, Reg. Sess., 1974)

Effect of 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.

House Clerk's 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 an unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

House Clerk's 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.

House Clerk's 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 Unit-

ed 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. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1967)

Effect of 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 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. (HR 19, Reg. Sess., 1990; HR 6, Reg. Sess., 2000)

Effect of 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 by males and the wearing

of a suitable dress or an appropriate blouse and skirt or pants suit by females.

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. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1963; HR 2, Reg. Sess., 1967)

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

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

Registration of Lobbyists

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

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

Use of electronic communication devices prohibited.

137a. Unless authorized by the Speaker, no person may use a cell phone or other electronic communication device 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 using a computer to electronically communicate with another person not on the House floor during session for the purpose of receiving information relating to any pending legislative matter.

Effect of 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.

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. (HR 10, Reg. Sess., 1951; HR 2 and HR 10, Reg. Sess., 1961)

Effect of 1951 amendment. The amendment added the proviso at the end of paragraph (a) and provided for approval by the Speaker in lieu of the Committee on Rules as formerly.

Effect of 1961 amendments. Under HR 2, paragraphs (a), (b) and (f) were rewritten. News reporters for radio and television stations were included in those who may be accredited, and the authorization for establishing a committee on accreditation of applicants in paragraph (b) was added.

HR 10 amended the rule by deleting the word "daily" preceding the word "newspapers" in paragraph (a).

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.