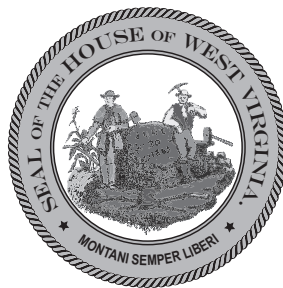


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



January 11, 2017
ORGANIZATIONAL DAY

West Virginia Legislature
Journal of the House of Delegates
Eighty-Third Legislature
First Regular Session

Charleston, Wednesday, January 11, 2017

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston and, at 12:00 noon, the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable John Overington, the Delegate from the 62nd Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate Overington then assumed the Chair and called the House of Delegates to order.

Prayer was offered by the Honorable Eric Householder, the Delegate from the 64th Delegate District.

The House of Delegates was then led in recitation of the Pledge of Allegiance by the Honorable William Hartman, a Delegate from the 43rd District.

The Honorable Natalie Tennant, Secretary of State, presented a communication which was received and laid before the House, containing the official returns of the election held on the 8th day of November, 2016, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

Delegates Elected

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

First District

Pat McGeehan
Mark Zatezalo

Second District

Phillip E. Diserio

Third District

Shawn Fluharty
Erikka Storch

Fourth District

Joe Canestraro
Michael T. Ferro

Fifth District

Dave Pethtel

Sixth District

Wm. Roger Romine

Seventh District

Jason S. Harshbarger

Eighth District

E. W. "Bill" Anderson, Jr.

Ninth District

Ray Hollen

Tenth District

Vernon Criss

Frank Deem

John R. Kelly

Eleventh District

Martin "Rick" Atkinson

Twelfth District

Steve Westfall

Thirteenth District

Scott Brewer

Joshua Kurt Higginbotham

Fourteenth District

Jim Butler

Fifteenth District

Geoff Foster

Sixteenth District

Sean Hornbuckle

Carol Miller

C. E. "Chuck" Romine

Seventeenth District

Chad Lovejoy

Matthew Rohrbach

Eighteenth District

Kelli Sobonya

Nineteenth District

Kenneth "Ken" Paul Hicks

Robert Thompson

Twentieth District

Justin J. Marcum

Twenty-first District

Mark Dean

Twenty-second District

Jeff Eldridge

Zach Maynard

Twenty-third District

Rodney A. Miller

Twenty-fourth District

Rupert "Rupie" Phillips

Ralph Rodighiero

Twenty-fifth District

Tony Paynter

Twenty-sixth District

Ed Evans

Twenty-seventh District

Joe Ellington

Marty Gearheart

John H. Shott

Twenty-eighth District

Roy G. Cooper

John D. O'Neal IV

Twenty-ninth District

Ricky Moye

Thirtieth District

Mick Bates

Thirty-first District

Karen "Lynne" Arvon

Thirty-second District

Tom Fast

Kayla Kessinger

Shirley Love

Thirty-third District

Roger Hanshaw

Thirty-fourth District

Brent Boggs

Thirty-fifth District

Andrew D. Byrd

Moore Capito

Charlotte R. Lane

Eric Nelson

Thirty-sixth District

Andrew Robinson

Larry L. Rowe

Brad White

Thirty-seventh District

Mike Pushkin

Thirty-eighth District

Nancy Reagan Foster

Thirty-ninth District

Ron Walters

Fortieth District

Tim Armstead

Forty-first District

Jordan Hill

Forty-second District

George "Boogie" Ambler

Stephen Baldwin

Forty-third District

Bill Hartman

Phil Isner

Forty-fourth District

Dana L. Lynch

Forty-fifth District

Bill Hamilton

Forty-sixth District

Patrick S. Martin

Forty-seventh District

Danny Wagner

Forty-eighth District

Danny Hamrick

Richard Iaquinta

Tim Miley

Ben Queen

Forty-ninth District

Amy Summers

Fiftieth District

Mike Caputo

Linda Longstreth

Guy Ward

Fifty-first District

Barbara Evans Fleischauer

Cindy Frich

Rodney A. Pyles

Joe Statler

John Williams

Fifty-second District

Terri Funk Sypolt

Fifty-third District

Tony J. Lewis

Fifty-fourth District

Allen V. Evans

Fifty-fifth District

Isaac Sponaugle

Fifty-sixth District

Gary G. Howell

Fifty-seventh District

Ruth Rowan

Fifty-eighth District

Daryl E. Cowles

Fifty-ninth District

Saira Blair

Sixtieth District

S. Marshall Wilson

Sixty-first District

Jason Barrett

Sixty-second District

John Overington

Sixty-third District

Michael "Mike" Folk

Sixty-fourth District

Eric L. Householder

Sixty-fifth District

Jill Upson

Sixty-sixth District

Paul Espinosa

Sixty-seventh District

Riley Moore

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

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

Ambler	Fast	Lewis	Rohrbach
Anderson	Ferro	Longstreth	Romine, C.
Armstead	Fleischauer	Love	Romine, R
Arvon	Fluharty	Lovejoy	Rowan
Atkinson	Folk	Lynch	Rowe
Baldwin	Foster, G.	Marcum	Shott
Barrett	Foster, N.	Martin	Sobonya
Bates	Frich	Maynard	Sponaugle
Blair	Gearheart	McGeehan	Statler
Boggs	Hamilton	Miley	Storch
Brewer	Hamrick	Miller, C.	Summers
Butler	Hanshaw	Miller, R.	Sypolt
Byrd	Harshbarger	Moore	Thompson
Canestraro	Hartman	Moye	Upton
Capito	Higginbotham	Nelson	Wagner
Cooper	Hill	O'Neal	Walters
Cowles	Hollen	Overington	Ward
Criss	Hornbuckle	Paynter	Westfall
Dean	Householder	Pethtel	White
Deem	Howell	Phillips	Williams
Diserio	Iaquinta	Pushkin	Wilson
Ellington	Isner	Pyles	Zatezalo
Espinosa	Kelly	Queen	
Evans, A.	Kessinger	Robinson	
Evans, E.	Lane	Rodighiero	

The roll call disclosing that 97 Delegates had answered to their names, the Presiding Officer declared the presence of a quorum. Delegate Eldridge arrived after his name had been called.

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

ELECTION OF SPEAKER

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

MAJORITY NOMINATION

Delegate Hanshaw, the Delegate from the 33rd Delegate District, nominated the Honorable Tim Armstead from the 40th Delegate District, as follows:

DELEGATE HANSHAW. Thank you, Mr. Speaker Pro Tem. Ladies and gentlemen, good afternoon. Welcome to our new friends and colleagues to the 83rd Legislature. It is my pleasure this afternoon to place a nomination for the Office of Speaker, the Honorable Tim Armstead. For those who had the privilege of serving under Delegate Armstead's leadership during the past two years, you know that Speaker Armstead is a gentleman and true friend to all. While he hails from the Elk River community of Elkview, West Virginia, it is obvious, from interaction with the Speaker, that he considers all 55 counties and all residents of West Virginia to be his district and his constituents.

Those of us who have had the privilege and the pleasure of working alongside of Delegate Armstead as Speaker for the past two years, realize that he helped lead this House through unprecedented times for our State and it was under his leadership that we, as a body with our colleagues elsewhere in government, brought about historic reforms to our civil justice system which brought West Virginia positive light throughout the nation, has helped make West Virginia a more attractive place to grow and locate a business and help spur the kind of economic development that we in West Virginia so desperately need.

It was under Delegate Armstead's leadership as Speaker that we navigated a budget crisis which has called all West Virginian's to fundamentally rethink the way we view our government and there is no person more qualified than Delegate Tim Armstead to lead our House as we head into the 83rd Legislature today. It is my privilege, and a pleasure, to place a nomination for the Office of Speaker, the Honorable Tim Armstead.

* * * * *

The nomination of Delegate Armstead was seconded by the Honorable Kayla Kessinger of the 32nd Delegate District, with the following remarks:

DELEGATE KESSINGER. Thank you, Mr. Chairman. Two years ago I had the opportunity to serve my first term in the West Virginia Legislature and on election night it was very exciting and I was with my dad and he congratulated me and told me how proud he was and immediately following that, in very good ole' dad fashion, gave me a lecture on what it meant to be a true leader. In that lecture he reminded me of a phrase that he had told me, over and over and over again, when I was growing up. It is that leadership is servanthood. It wasn't really until I started to serve in this body and this chamber that I started to fully understand what he meant by that statement and I realized, sitting in my chair in this chamber, that leadership isn't about fancy titles or name plates or license plates or gaudy name tags but it is about serving the people that rely on us. It is about fulfilling our obligation as public servants to the people that elected us to represent them in this body, and I had the distinct privilege of watching Tim Armstead fulfill that role as Speaker as he presided over this body over the course of the last two years.

As the first Republican Speaker within any of our lifetimes, except for maybe you Frank, Tim didn't have the luxury of going to a previous Republican Speaker for guidance or counsel but instead he had to wing it, and he had to learn as he went, and he did an incredible job. There were days where we would spend hours in this chamber droning on and on about issues like raw milk and other things that some of us are passionate about but never once did he restrict someone's right to speak on this floor. He served diligently with respect and honor and refused to...and always made sure that everyone had the chance to articulate their beliefs regardless of political affiliation or opinion on the issue. There were bills that he would allow to come to this floor that he would eventually vote against because he believed in the opportunity for every member of this body to serve their district to the best of their ability.

When we go to elect leaders, whether it be in this body or in the polling place, we should never choose those leaders based on what we are promised or what we can gain but instead should choose those candidates based on the content of their character. If Tim Armstead is lacking in any area it is not character. He has served with integrity and honor and I am so proud to second the nomination for Tim Armstead as Speaker for the West Virginia House of Delegates.

MINORITY NOMINATION

Delegate Bates, 30th Delegate District, then nominated the Honorable Tim Miley, the Delegate from the 48th Delegate District, as follows:

DELEGATE BATES. Mr. Chairman, thank you. Ladies and gentlemen, legislative staff, guests in the gallery, familiar faces, new faces it is good to be with you and good to be here as a member of the House of Delegates in the 83rd West Virginia Legislature. Yesterday... last night was a great night and a great day to be a Mountaineer. Today and every day is a great day to be a West Virginian and we are blessed to be here. It is my privilege and great honor to place a nomination, the name of the Gentleman from the 48th, the Gentleman from Harrison, the Honorable Tim Miley for Speaker to the West Virginia House. To the members, you are leaders. By the virtue of sitting here on this floor in this chamber under this dome, you have shown that you are leaders. Each of us, one of a hundred, to do the work of the people here in the people's house. Your community, the people that know you best from the varied counties across West Virginia have sent you here to be their Delegate and to lead. In the days ahead we will have that opportunity but before we can proceed we must choose our leader.

Among the many wise words of Dr. Martin Luther King are these, "A genuine leader is not a searcher of consensus but a molder of consensus." Tim Miley is a genuine leader. Tim Miley is not a searcher of consensus. Tim Miley is a molder of consensus. At this most challenging time in our State's history and a time in our nation, we need this kind of leadership. To my friend and leader, thank you for your friendship, your service, and opportunity to serve with you and your leadership.

In one of his many books on leadership James Maxwell said, "A leader is one who knows the way, goes the way and shows the way." Tim Miley, you know the way. Tim Miley, you go the way. Tim Miley, you show the way.

To Mr. Speaker elect, now I am not very good at math but my time up in Finance with Chairman Nelson and Delegate Boggs has helped me to figure out a few sums and I am pretty sure that 63 is a bigger number than 37. So I have seen this movie before and I know how it goes. So unless someone has

got something planned that is off script, I think we could maybe skip a whole lot of this, and clearly my preference is known, but I believe both of these gentlemen are as equally qualified to serve as leader having both been Minority Leaders and having both been Speakers. So, you have had two years each and if you just wanted to flip that back and forth every couple of years we could probably get this taken care of a lot quicker. What do you think? I tried.

I would like to just close by reflecting on just three lessons I have learned from a number of lessons I have learned from serving when observing Delegate Miley these past two years. A ruler seeks to rule. A leader is sought to lead. A leader's strength is in his or her capacity to understand and accommodate for the weakness of those he is asked to lead. A leader need not know of the final destination but pushes forth still finding the way for and with others. Tim Miley does not seek to rule. Tim Miley is a leader who is sought to lead. Tim Miley's strength is his capacity to understand and accommodate for the weaknesses of those he is asked to lead. Tim Miley may not know the final destination but pushes forth while still finding a way forward for and with others. For these and many other reasons, I ask for your support. I ask for your vote and I ask that we elect Tim Miley, my leader, my friend, as our Speaker. Thank you, Mr. Chairman.

The nomination of Delegate Miley was seconded by the Honorable Brent Boggs of the 34th Delegate District, with the following remarks:

DELEGATE BOGGS. Good afternoon. Returning and newly elected House members, it is a pleasure to be here with you. It is an honor to stand before you today and to our...not only my esteemed colleagues, also the staff, the wonderful staff that we have. The folks in the gallery today, welcome. Obviously to my two very dear, very close friends Delegate Tim Armstead, Delegate Tim Miley. But I am up here on a mission today as was Delegate Bates and let me start by saying I am here to second the nomination for my friend and my colleague Delegate Tim Miley for Speaker of the House of Delegates in the 83rd West Virginia Legislature. But I want to tell you, I want to recall my first impressions of Tim, Delegate Miley, during his freshman year and he and I both sat back pretty much in the same area but I had an opportunity, a unique opportunity to observe. Not only in some of the committees that we served on together but here on the floor. Tim not only sought a diversity of opinion, he also delved in as an informed and articulate participant in committee and floor debate. Every vote, every issue afforded equal thought and importance to Tim.

That same sense of responsibility continues today. His passion for serving his constituents and giving back to his community is indeed noteworthy. Tim represents a District as diverse as our State. It is replete with good jobs but it also desperately needs a lot of infrastructure like all of our Districts. I know that he works diligently for infrastructure and improvements, jobs and high speed internet service not only in his District but across the State so that all of our folks can have an equal opportunity and equal footing to succeed. Tim's acumen for the business sector, especially small business and entrepreneurs who are the backbone of our State, continues to set the standard for others to follow. He has true compassion and the voice for those who often have no voice. For those that often have the lack of an advocate when it comes to public policy. They are often the ones that are the most affected, often adversely, by the actions of government.

Most important to me, Tim is a man of faith. His faith, his family and his drive to serve others has well equipped him for leadership in the House

including the Office of Speaker where he previously served with distinction. Never one to steer away from making tough decisions, Tim Miley seeks counsel from across spectrum of interests, opinions and party lines to make the best decision for our State and those he represents. Tim has demonstrated to me as Delegate, as Judiciary Chair, as Speaker, the Minority Leader and friend, that decisive leadership and vision are not solely depended upon numbers but by the depth of your convictions and your willingness to take a stand despite the obstacles and hurdles that you may encounter along the way.

To quote former Vice President of the United States Henry Wallace, "If we put our trust in the common sense of common men and with malice toward none, the charity to all, go forward on the great adventure of making political economic and social democracy a practical reality we shall not fail." Colleagues and friends, these are indeed tumultuous times as we go about challenging often tedious but essential duties that we have as Delegates and the representatives of the citizens that place great trust in us to represent their interests. We must not falter and we must not fail. We must look for practical solutions, reasonable and prudent solutions, to ensure the public good for all.

Tim Miley has the vision, the strength and the fortitude to lead us as Speaker in these challenging times we face. Again, I am very pleased and very honored to second the nomination for Delegate Tim Miley. Thank you.

* * * * *

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

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

Delegates voting for Delegate Armstead – 63, as follows:

Ambler	Foster, G.	Lewis	Rowan
Anderson	Foster, N.	Martin	Shott
Arvon	Frich	Maynard	Sobonya
Atkinson	Gearheart	McGeehan	Statler
Blair	Hamilton	Miley	Storch
Butler	Hamrick	Miller, C.	Summers
Capito	Hanshaw	Moore	Sypolt
Cooper	Harshbarger	Nelson	Upton
Cowles	Higginbotham	O'Neal	Wagner
Criss	Hill	Overington	Walters
Dean	Hollen	Paynter	Ward
Deem	Householder	Phillips	Westfall
Ellington	Howell	Queen	White
Espinosa	Kelly	Rohrbach	Wilson
Evans, A.	Kessinger	Romine, C.	Zatezalo
Fast	Lane	Romine, R.	

Delegates voting for Delegate Miley - 34 as follows:

Armstead	Eldridge	Longstreth	Pyles
Baldwin	Evans, E.	Love	Robinson
Barrett	Ferro	Lovejoy	Rodighiero
Bates	Fleischauer	Lynch	Rowe
Boggs	Fluharty	Marcum	Sponaugle
Brewer	Hartman	Miller, R.	Thompson
Byrd	Hornbuckle	Moye	Williams
Canestraro	Iaquinta	Pethtel	
Diserio	Isner	Pushkin	

On the call of the roll for the election of Speaker, Delegate Folk abstained from voting.

The Presiding Officer stated that the total number of votes cast was 97, of which the Honorable Tim Armstead of the 40th Delegate District received 63, and the Honorable Tim Miley of the 48th Delegate District received 34, and declared that the Honorable Tim Armstead, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Hanshaw, Kessinger and Miley as a committee to escort the Speaker to the Chair.

The committee then escorted the Speaker to the Clerk's Desk, where he took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals.

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

DELEGATE MILEY. Well Mr. Speaker, on behalf of certainly the Democratic Caucus of the House of Delegates, we congratulate you, and look forward to working with you, on being elected Speaker. You have a tough job ahead of you, as we all do, but you certainly can't and won't do it alone and you will have the support of all of us here working with you, both representing our Districts as well as most importantly, the State of West Virginia, and putting her interests first above all else. Here is your gavel.

At the conclusion of Delegate Miley's remarks, the Clerk presented the gavel to the Speaker and he assumed the Chair. (Applause, the members rising in ovation)

The Speaker then addressed the House as follows:

MR. SPEAKER, MR. ARMSTEAD. Well, thank you Justice Walker for being here today and congratulations as you assume your new duties as our Justice of the State Supreme Court of Appeals. Minority Leader Miley, thank you for your kind words and your support and we look forward to working with you and we do have challenges ahead but we certainly look forward to working with you and your caucus to meet those challenges. I also want to thank Delegate

Hanshaw and Delegate Kessinger and for their kind words and nomination and seconding my nomination.

To each member, let me just congratulate you because it is never easy to get here. It is hard work to be elected to this House and I want to congratulate you on your victory and tell each of you how much I look forward to working with you. Whether you served in the House of Delegates or are a newly elected member, I know that you share as I do a deep appreciation to the people who have chosen you to serve as their representatives.

I also want to take this opportunity to thank my wife, Anna, and my daughter Katie for their support and their sacrifices they make to allow me to serve in this House and I want to say all of our families are part of this legislative family and I want us to each take a moment to show our appreciation to them for all they do to allow us to serve in the House.

I also want to thank our legislative staff which I would put up against any group of people in the country. We couldn't do it without you and we appreciate all you do to help each of us each and every day. Let's give our staff a hand.

Two years ago this House provided me one of the greatest honors that I have ever had and that is to serve as the Speaker of the House to be able to be the first Republican Speaker in this beautiful capitol building that we serve in. Today I am very deeply grateful to each of you for allowing me to continue to serve as your Speaker. When I stood before you two years ago, I said while we had a very historic 2014 election, we truly make history when we took that opportunity the voters had given us and we made life truly better for our fellow West Virginians. We have been given the chance of a lifetime. Our efforts were driven by one enduring principle, a truth that continues to motivate us as we begin the 83rd Legislature, that is, plainly and simply, we believe in West Virginians. We believe in their abilities, in their integrity, in their work ethic. We believe that if we create a level playing field that respects them, gives them a solid education and provides them opportunities to succeed in the free market of ideas and economics, they will in fact succeed.

Since 2014, working together we did in fact make history. We reshaped our legal system to make it one that is more fair and predictable. We've been deemed a judicial hell hole every single year since that list was created but not anymore. We ensured the erroneous red tape and regulations are sunsetted and removed from the books. We created new opportunities for entrepreneurship and venture capital to start new businesses. Together we repealed the erroneous cap and trade scheme to help back our energy industry and we modernized our mining and safety regulations. We gave workers more rights over their own destiny and we gave them the freedom to work. We took steps to protect the constitutional rights of our citizens and to insure our State truly values the life and dignity of all of our citizens born and unborn. We made sure that our hard earned tax dollars can go further so that we could build more roads, more bridges, more schools with the limited resources we have. Working together we gave communities more tools to improve their roads and infrastructure. We put more healthcare professionals in our rural communities. We made government more open and accountable. Today, because of the work we have done, we can put more teachers in our classrooms through innovative programs. We have given our communities new tools to fight drug abuse and addiction. Just a few months ago we came together here in a special session to appropriate hundreds of millions of dollars to help our friends and neighbors whose homes and communities were destroyed by the most damaging floods ever recorded in neighborhoods throughout our State.

Ladies and gentlemen, together we accomplished that in a single two-year term. In the next two years we have hard work ahead of us as the Minority Leader has said. But we have unbelievable opportunities. Winston Churchill once said, "A pessimist sees the difficulty in every opportunity. An optimist sees the opportunity in every difficulty." What I believe our State needs more than ever before is urgency and optimism. At this point in our history we need a legislature full of optimists. Realistic optimists but optimists who can see the opportunities that are imbedded within the challenges we face. Yes, our budget is going to be a challenge. Everyone knows that. With that challenge also provides us new opportunities to bring our government in line with a government our people can afford. We started the process of looking at ways to save money during the Budget Session and through the GATE Committee, the Finance Committees and we will continue that process. It will not only require us to take a good hard look at combining functions and streamlining agencies but will also provide us the opportunity to eliminate inefficiencies and waste such as what we have already seen through our State's automobile fleet. Our budget will require our immediate attention, and while it must be a priority in terms of our time and energy, we shouldn't allow our budgetary problems and hurdles to prevent us from seizing the opportunity to address so many other issues that need a solution in terms of the long-term future of our State. For decades we have recognized the inherent and fundamental problems and inequities within our tax structure but we have failed to truly grasp the enormous opportunities that provides us to reshape that tax structure, to make it one that allows people to do more with their own money and encourages rather than hinders job creation. We also need to build upon our progress that we made in terms of our legal and regulatory climate. We have identified and continue to identify regulations that serve little or no benefit that place an enormous burden on our citizens and our businesses. There are additional legal provisions that we still have in place within our court system that need to be addressed.

Our children are our State's most valuable resource, I think we would all agree with that. But we must recognize one thing and that is, by allowing our State to remain at the bottom of the list in terms of K-12 achievement, we are failing our children. We continue to have a top heavy and overregulated education system that ties the hands of teachers and principals. We need to get out of their way. We need to get out of the way and allow our principals and teachers to use their talents to reach our children and to teach our children.

We must also truly act on the devastating drug problem that is a scourge throughout our State. We will continue our Select Committee to Fight Substance Abuse and center on three areas that we must address if we are truly going to free our citizens from illegal drugs: One, the punishment of those who deal drugs in our neighborhoods, secondly, preventing our children from becoming addicted in the first place, and third, providing drug treatment opportunities for those who are struggling to free themselves from drug dependency. Of course the best solution for the drug problem our systems face, as well as so many of the other problems that we face, is to provide good paying jobs for our citizens that provide hope and opportunity. We need to do all that we can do to do just that. With a great sense of urgency and determination we can put West Virginians back to work. We are going to spend the next two years working each and every day to do just that. To make West Virginia not only a good place to invest and create jobs but truly the best state in the Nation to create jobs. I know it is a lofty goal but I truly believe that we can achieve it, and I look around this room and I see a team of people who care about this State who want to achieve just that. These are only some of the issues that we are going to be addressing during the 83rd Legislature.

Let me say this in general, regardless of our differences, regardless of the political parties to which we belong, our personal philosophies or where we live, we share two very important characteristics: First a great love for the State of West Virginia, secondly a desire to make life better for all West Virginians. Too often the issues that we grapple with here at the Capitol may become philosophical or abstract and sometimes it is hard to remember the real impact they have on the lives of our fellow West Virginians but when we see boarded up shops and businesses in our communities, when we hear about WARN notices and layoffs and closed mines, when we see companies pull out of West Virginia and go to other states, we must always remember that each one of those situations represents friends, neighbors and family members who have lost their jobs and are struggling to put food on their table and to pay their bills. We can help them and we are going to help them. Each time we see a student struggling to pass his or her classes or we see a good hard working teacher frustrated because they are trying to reach that student, they are working every day to reach that student but their hands are tied through red tape and bureaucracy. We have to realize that that's a lost opportunity for that student to truly achieve their potential. We can help them and we are going to help them. When we hear of a good talented son or daughter, brother or sister who can't keep a job or stay in school or care for their children because they are addicted to drugs, when we talk with mothers who can't go to sleep at night, when they go to bed because they are afraid they are going to get that call that their son or daughter has overdosed on drugs, when we hear of newborn babies spending months in intensive care in treatment to remove the effects of drugs in their systems, each of those stories is not a statistic it is a West Virginian. It is a friend. It is a neighbor. We have it within our power to help them and we are going to help them. Each day we remove a road block that stands in the way of job creation; each day we give our teachers more tools to teach our children; each day we make it harder for drug dealers to deal drugs and easier for those who are addicted to drugs to break free from that addiction; that is a good day in the West Virginia Legislature and that is a good day for the people of West Virginia.

Proverbs 3:27 instructs us, "Do not withhold good from those to whom it is due when it is in your power to do it." We can't solve every problem every West Virginian has but it is within the power of this Legislature to help solve a lot of these challenges. My fellow Delegates I urge each of us to be optimistic about our State, to identify the tremendous opportunities that rest within the challenges we face, to act with urgency and to use each and every day of this the 83rd Legislature to make life better for the citizens of our State and to write an exciting new chapter in the history of West Virginia. Thank you.

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ELECTION OF CLERK

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

Delegate Sobonya, the Delegate from the 18th District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE SOBONYA. Thank you, Mr. Speaker, and congratulations to you. I look very forward to serving under you for another two years and to the new members, I would like to welcome you to this body. This is an awesome experience to be able to represent the people across the State and you will forge many friendships and they will last a lifetime.

The role of the Clerk is important. He is the keeper of the records, of the rolls, and I have known Steve Harrison for nearly 25 years, almost half of my life actually. In 2014, I had the honor and pleasure of nominating Steve Harrison to serve as the Clerk of the West Virginia House of Delegates. He left his long-time career as a bank executive to become the first Republican House Clerk to be elected since 1929. Today, I am equally honored and pleased to nominate him once again to serve as the Clerk of the West Virginia House of Delegates in this 83rd Legislature.

Steve Harrison is no stranger to this body. He was a member of the West Virginia House of Delegates and the State Senate having served 14 years representing the people of Kanawha County. With his working knowledge of the legislative process and parliamentary procedure, we knew two years ago that Steve Harrison was the right person for this position to serve as the House Clerk and he certainly has proved us right. Regardless of your party affiliation, Steve often takes time out of his busy day to conduct mock legislative sessions for school children visiting the Capitol who are visiting with their state legislators and I say state legislators because the times that he has been so gracious to have his staff come in, it is not part of his job description but he would come in and teach the kids about parliamentary procedure and about how a bill becomes law, actually allowing them to place votes here in this body and he didn't have to do that. But students receive a hands on civic lesson on how a bill becomes law because of his willingness to go the extra mile and he even did it for Senators, not just House members here in the House of Delegates.

Steve is a native West Virginian and a graduate of Sissonville High School and Brown University. During his collegiate years he was a standout football player. Now if I had to find several words to describe Steve Harrison, besides him being a husband devoted to his wife Kristen for 24 years, a father to two 6-year old twins, he is also a principled man of faith, but the list could go on and on. One word stands out in my mind describing Steve Harrison and that word is honorable and if you go to the dictionary and you look up the word honorable you will find honest, moral, ethical, principled, selflessness, humility and truthfulness and these are the marks of an honorable man and this describes Steve Harrison.

In closing, Steve Harrison has the experience and necessary leadership skills to continue to serve as our House Clerk. Please join me in supporting my friend, Steve Harrison, for reelection and allowing him to serve the Great State of West Virginia as the Clerk of the House of Delegates. Thank you.

The nomination was seconded by Delegate Walters of the 39th Delegate District, with the following remarks:

DELEGATE WALTERS. Let me start out by saying I see a lot of friends here. I see a lot of new faces and I am proud to serve with you all every time that I have been here and if I am lucky enough again to ever come back. Today again I have the privilege to second the nomination of my long-time friend, Steve Harrison, for House Clerk for the 83rd Legislative Session. Steve as you know once was a member of this body. While not as young as Saira or the new gentleman whose last name I can't pronounce, he was very close to their age at the time he came here.

Steve is a man many of us know with a kind smile and a hard work ethic. He is always willing to help Members or any staff member we send to him with any request. His hand, mind and heart are guided by our Lord and Savior Jesus Christ. He is a man of integrity, a committed public servant, not just for

us but for his hometown of Sissonville, West Virginia and the State of West Virginia. Over the years I have had the opportunity to speak with many of his friends and family in the Sissonville area. They have shared many stories about young Steve Harrison as he was growing up during his childhood. I won't share all those with you, his face will turn red, but I will share one. Everyone told me that one thing they remember about Steve was he would stand in front of his house every day and kick the football. Amazing how that turns into a scholarship to play football at Brown University. It is a testament to his determination and becoming a football Academic All-American. He is a leader in his church and from time to time preaches a little. He organized the Legislative Prayer Breakfast for many years. He was always committed to economic development because he wanted all of our children to stay here in West Virginia and have a place to work. We should make sure that we do the same these next two years.

It would be wrong of me if I didn't take the time today to thank his wife, Kristen, and their two children for the joy that they have brought to his life and for sharing him with us and all his leadership and organizational skills. I said the last time I nominated Steve that I believe there were a few quotes that best described the man he will be as House Clerk. Walt Bettinger said, remember work-life balance is a myth, watch where someone spends their time and sets their priorities and you will know what is important to them. We are Steve's family also and he has dedicated himself to us all. Oscar Wilde said the smallest act of kindness is worth more than the grandiose intentions. That's the Steve Harrison I know. That's the Steve Harrison we all know. An honorable man, a kind worker who is dedicated to us and the job at hand.

I am privileged and humbled today to share this with you and second the nomination of Steve Harrison as House Clerk and I ask each and every one of you to vote unanimously to support Steve Harrison for House Clerk for the 83rd Legislative Session. Thank you very much.

On motion of Delegate Sobonya, nominations were closed and the Honorable Stephen J. Harrison, of the County of Kanawha, was elected Clerk of the House by acclamation.

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

ELECTION OF SERGEANT-AT-ARMS

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

Delegate Howell the Delegate from the 56th Delegate District, nominated Marshall Clay, of the County of Fayette, as follows:

DELEGATE HOWELL. Thank you, Mr. Speaker. I would like to nominate a man who successfully defended the Chamber for two years against all enemies foreign and domestic. During his tenure as Sergeant-at-Arms, not one Delegate, staff member, or guest have been harmed. He is a man so deeply endowed with the spirit of West Virginia that his very name testifies to not one but three of our counties thus we affectionately call him tri-county. I respectfully nominate Marshall Wayne Clay for Sergeant-at-Arms.

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

DELEGATE COOPER. Thank you, Mr. Speaker and congratulations to the newer members here, we are glad to see you. I am up here to second the nomination of Marshall Clay. Marshall and I have a couple of things in common. I will get to those in just a minute. But Marshall's whole life has been about service. Not just service here to us, as was noted by the former speaker, he has been rather successful in that endeavor. His service has been to his community, to his community as a community leader, a volunteer and prior to that he was also a volunteer and served his country for 20 years and defended his country against all enemies foreign and domestic for 20 years. So he is now a retiree of the US Navy and we are proud to have him here. I am proud to second his nomination for this office, for this position and I would like to also add that if you are wondering what the difference is between sea story and a fairy tale, Marshall will be able to tell you. Thank you, Mr. Speaker.

On motion of Delegate Howell, nominations were closed and the Honorable Marshall Clay, of the County of Kanawha, was elected Sergeant-at-Arms by acclamation.

Mr. Clay then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals. (Applause, the members rising)

ELECTION OF DOORKEEPER

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

Delegate Nelson, a Delegate from the 35th Delegate District, nominated Frank Larese of the County of Kanawha, as follows:

DELEGATE NELSON. Thank you, Mr. Speaker, and congratulations. Also congratulations and welcome to all fellow members. It is my privilege today to nominate Frank Larese as our Doorkeeper for the benefit of the members and others.

The Doorkeeper has two primary functions: The first he announces all messages to this body and second, and probably most important, is he is in charge of overseeing all the doors that have access to this Chamber. Frank is a native of Fayette County and currently resides in Kanawha County and I have been told that Frank makes one mean spaghetti sauce and so hopefully he will share that with us as we come through the doors. But seriously, Frank has served as a dedicated Doorkeeper these last two years and, Mr. Speaker, it is my privilege to nominate him for Doorkeeper once again. Thank you.

The nomination was seconded by Delegate Zatezalo of the 1st Delegate District, with the following remarks:

DELEGATE ZATEZALO. Thank you, Mr. Speaker, and congratulations. Ladies and gentlemen, it is a real pleasure for me to second the nomination of Frank Larese as Doorkeeper of this body.

The Doorkeeper's job and the jobs of the people that work directly under Frank is an interesting one in that they have to keep us safe and there is one other thing that I would like to say, they also when times are hectic and that type of thing, it is good to have good humored people who actually know when to be firm and when to make the place a bit more welcoming and I can honestly say that the Doorkeepers of this Chamber do that with great distinction and the only reason that they can do that is because the leadership of the person who has been doing this for the past few years. Therefore, Mr. Speaker it is

indeed a pleasure and especially an honor to place nomination, second the nomination of Frank Larese as Doorkeeper. Thank you.

On motion of Delegate Nelson, nominations were closed and the Honorable Frank Larese of the County of Kanawha was elected Doorkeeper by acclamation.

Mr. Larese then took the oath of office as prescribed for Doorkeeper, which oath of office was administered by the Honorable Beth Walker, Justice of the Supreme Court of Appeals. (Applause, the members rising)

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On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Session of the Eighty-third Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Tim Armstead, 40th Delegate District, as Speaker; Stephen J. Harrison, of the County of Kanawha, as Clerk; Marshall Clay of the County of Fayette, as Sergeant-at-Arms; and Frank Larese, of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Sobonya, Arvon and Moye.

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

Whereupon,

The Speaker appointed as members of such committee:

Delegates Atkinson, Rowan and Rowe.

Delegate Sobonya from the Committee to notify the Senate that the House of Delegates had assembled for the First Regular Session of the Eighty-third Legislature, with a quorum present, had organized by the election of officers and was ready to proceed to the business of the session, announced that the committee had performed that duty.

* * * * *

Resolutions Introduced

Mr. Speaker, Mr. Armstead, offered a resolution, which was read by the Clerk as follows:

H. C. R. 1 — “Raising a Joint Assembly to open and publish election returns.”

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:45 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in

the presence of the Senate, open and publish the returns of the election held throughout the State on the 8th day of November, 2016, as provided by Sec. 3, Article VII of the Constitution.

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

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

Messages from the Senate

A message from the Senate, by

Senators Azinger, Smith and Woelfel announced that a quorum of the Senate had assembled and organized by the election of the Honorable Mitch Carmichael, 4th Senatorial District, as President; Clark Barnes, of the County of Randolph, as Clerk; the election of other officers as provided by law, and was ready to proceed to the business of the session.

Resolutions Introduced

Mr. Speaker, Mr. Armstead, offered a resolution, which was read by the Clerk as follows:

H. C. R. 2 – “Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.”

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

Resolved by the Legislature of West Virginia:

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

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

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

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

Delegates Sobonya, Arvon and Moye.

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

Mr. Speaker, Mr. Armstead, offered a resolution, which was read by the Clerk as follows:

H. C. R. 3 - “Providing for an adjournment of the Legislature until February 8, 2017.”

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

Resolved by the Legislature of West Virginia:

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

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

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

At 1:27 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:30 p.m.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 1, Opening and publishing of election returns.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 2, Raising a Joint Assembly to hear remarks of the Governor.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 3, Providing for an adjournment of the Legislature until February 8, 2017.

JOINT ASSEMBLY

The Sergeant-at-Arms announced the Honorable Mitch Carmichael, President, and the members of the Senate.

The President and members of the Senate then entered the Hall of the House of Delegates and the members were seated in the places reserved for them.

The Speaker invited the President to a seat to the right.

RETURNS OF ELECTIONS

The Honorable Natalie Tennant, Secretary of State presented a communication which was received and read by the Clerk indicating the candidates appearing to have been elected in the

election held on the 8th day of November, 2016, for Governor and other constitutional officers, in accordance with Section 3, Article VII of the Constitution of the State:

Jim Justice	as Governor	713,879 ballots cast
Mac Warner	as Secretary of State	691,455 ballots cast
John "JB" McCuskey	as Auditor	659,740 ballots cast
John D. Perdue	as Treasurer	671,554 ballots cast
Kent Leonhardt	as Commissioner of Agriculture	664,253 ballots cast
Patrick Morrisey	as Attorney General	694,154 ballots cast

The Speaker declared the following, having received the highest number of votes and being duly qualified, were elected to the Office of Governor and other State offices for the term fixed by law, beginning on the first Monday after the second Wednesday of January, 2017.

JIM JUSTICE, GOVERNOR

MAC WARNER, SECRETARY OF STATE

JOHN "JB" MCCUSKEY

JOHN D. PERDUE, TREASURER

PATRICK MORRISEY, ATTORNEY GENERAL

KENT LEONHARDT, COMMISSIONER OF AGRICULTURE

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ADDRESS BY THE GOVERNOR

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms next announced Chief Justice Loughry and Justices of the Supreme Court, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms then announced the committee to wait upon His Excellency, the Governor who escorted The Honorable Earl Ray Tomblin to the Clerk's desk.

The Governor presented to Speaker Armstead and President Carmichael the following communication:

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV

Executive Message No. 1

The Honorable Tim Armstead
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305
Dear Speaker Armstead:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

Sincerely yours,

Earl Ray Tomblin,
Governor.

The Speaker then presented the Honorable Earl Ray Tomblin, who addressed the House as follows:

GOVERNOR TOMBLIN. Thank you. Thank you all very much. Mr. Speaker, Mr. President, Members of the Board of Public Works, Justices of the Supreme Court of Appeals and Members of the Legislature, our distinguished guests and my fellow West Virginians. I stand before you today after six years in the Governor's Office and 42 years in this grand statehouse with a deep sense of gratitude and reflection and an equally profound hope for West Virginia's future. Public service has anchored my life's work from a young 22-year old in this very House Chamber to a desk across the hall in the State Senate, the Senate President's podium for 17 years and now your 35th Governor. It has been the greatest honor and the greatest reward to serve the people of this State that we all love. Together we have put West Virginia first and moved our State forward even in the midst of tough times including, far reaching economic shifts, budgetary challenges and historic natural disasters. West Virginians are strongest in the toughest times. We come together. We lift each other up and we don't just hope for a better future, we fight for it. Working hard is exactly what we have done over the past six years to create new economic opportunities for the Mountain State. We have all seen the dramatic impact of the coal industry's decline in our State. We have seen thousands of jobs lost. Families and communities struggling and people beginning to lose hope. But I believe in and have fought to reach the light around the corner. Shortly after becoming Governor, I pledged to go anywhere and meet with anyone to grow our State's economy. Across West Virginia, the country and the globe, we have succeeded. Last year global giant Proctor and Gamble announced it would build its first U. S. manufacturing facility since the 1970s right here in West Virginia in the Eastern Panhandle. This will ultimately be a half-billion-dollar investment in the Mountain State and result in hundreds of new jobs. (Applause)

P&G chose our State after an exhausting search of many states and as numerous companies have discovered, I know that they will find it to be the best decision that they have ever made. Toyota Motor Manufacturing in West Virginia, which recently celebrated its 20th anniversary, has expanded continuously, nine times in fact. Today, Toyota employees more than 1,600 people. The company has invested \$1.4 billion since 1996. Manufacturing jobs like those at P&G in Martinsburg and Toyota in Buffalo will be among the most critical to our State's economic future. In my time as your Governor, I fought for jobs like these and many more from Amazon in Huntington, Macys in Berkeley County, Bombardier Aerospace Manufacturing in Harrison County which just in November announced an expansion of 150 jobs. Companies are finding that when they invest in West Virginia it pays off. In fact, since 2011, West Virginia has seen more than \$15 billion in new investments spanning 275 projects. We have welcomed more than 60 new companies and secured 215 competitive expansion projects. Over the past six years investment projects have reached 22 industries and provided West Virginians with more than 12,000 good paying jobs and right here in the Kanawha Valley, we have one of the best examples of that remarkable progress. Gestamp has grown beyond

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

Now I know that one of the fundamental reasons behind their growth has been our ability to transform Work Force Training of West Virginia for the better. For example, the Learn and Earn program which we launched in 2012 gives our community and technical college students classroom instruction and hands on work experience simultaneously. These students earn a competitive salary while giving employers a cost-effective way to recruit and train new employees. Joe Atha is one of these students. A former coal miner, Joe is now a student at BridgeValley Community and Technical College where he is also supporting his family by earning a wage through the Learn and Earn Program at Gestamp. Joe is here with us today along with his wife Rita. So Joe, you and Rita, please, stand to be recognized along with Dr. Sarah Tucker, our Chancellor of the Community and Technical College System. Please let's give them a round of applause. (Applause)

Through forward thinking programs like this we can make a real lasting difference for West Virginians and that is why I personally convened the West Virginia WorkForce Planning Council which has helped us break down bureaucratic silos and better aligned classroom learning with the workforce needs of our businesses and our industries. We have even started that process at high schools through the simulated workplace program. Today, our career technical education classrooms have been transformed into businesses. Medical classes are now clinics. Hospitality programs are now catering businesses and restaurants and instead of just going to a welding or a carpentry class, our students are now part of a construction company complete with job foreman and safety inspectors. Just last month we celebrated a heart-warming moment as a result of the hard work of more than 2,000 of these students from 12 high schools all across our State. Together with the Department of Education's Career Technical Education Division, the West Virginia National Guard and our Voluntary Organizations Active in Disaster we presented keys to tiny homes that were designed and built by these students for survivors of a historic flood that hit our State last June. Time and time again in the aftermath of this tragic flooding we have seen selflessness of West Virginians make a difference for one another. The Big Hearts Give Tiny Homes Project was a shining example of that West Virginia spirit and one that made an overwhelming difference for 15 families impacted by the flooding. (Applause)

Included in one of these families is Brenda Rivers from Nicholas County whose home was a total loss to the flooding. Brenda now lives in a brand new Tiny Home built by students including Chance Ballard from Spring Valley High School in Wayne County. Please join me in welcoming Brenda, Chance along with Dr. Kathy D'Antoni whose visionary leadership at the Department of Education has made simulated workplace the success it is today. Please stand and take a round of applause. (Applause)

As you can see, Chance is not only a builder, he is a pretty good size boy and basketball player too and we're proud of him. Working hand in hand with the Federal Government and local officials our immediate response to the flooding was quick and effective. We were able to expedite federal assistance to our communities and families in need and over the past ten months we have been able to shift our focus to long term recovery. Through a public private approach we launched the RISE West Virginia Program, kind of with the help of the Speaker back here, for which in total now has provided nearly \$2 million to 230 small businesses in the flood impacted counties. Funding that is helping

them reopen or continue operations and keep fueling our local economies and I would once again like to thank, West Virginia native and a champion, I think, Brad Smith. He is the CEO of Intuit. It is one of the world's largest, leading financial software companies, and his wife Alys for their family donation of \$500,000 which gave the RISE Program its first needed boost and we are very proud of that. (Applause)

West Virginia has experienced more than its share of disasters during my time as your Governor. This historic flooding, the derecho, Hurricane Sandy, Winter Storms Thor and Jonas and the water crisis, and through it all we have grown stronger. We have improved our emergency response capabilities and we have strengthened public safety. Adversity demands resilience and that is what we have shown in these challenges and many more including one of the most trying epidemics, I believe, in the Mountain State that we have ever faced with the sharp rise in substance abuse and addiction. That is why in 2011, I issued an executive order to create the Governor's Advisory Council on Substance Abuse made up of representatives of substance abuse prevention, behavioral medicine, law enforcement, child and adolescent psychology, the legal system, residential treatment facilities, the public school system, the faith community and healthcare. My vision for this council was a community driven ground up approach to tackling this epidemic through community based task forces in six regions across the State. Through those task forces we had made significant progress and enacted life-saving reforms. We now look at substance abuse as an illness not a crime. We have decreased the number of meth labs across the State as a result of making it more difficult to obtain pseudoephedrine. We have expanded access to the life-saving drug Narcan to first responders and family members of those struggling with addiction. Last year alone we saved hundreds of lives because of this action taken by the Legislature. We have substance-abuse prevention services now in all 55 counties. We have expanded and improved community-based treatment options and recovery services. Across the State we have 188 crisis detox beds in residential treatment facilities with more sites under development. We have 118 beds designated for youth and post-partum treatment as well as short-term and long-term residential treatment and we have over 1,000 beds for those seeking help and support through peer and provider recovery homes and facilities. We are working closely with our prisons and correctional facilities to ensure all West Virginians are provided access to substance-abuse rehabilitation. In fact, the Division of Corrections operates 9 residential substance abuse treatment units in our correctional facilities across the State and we have expanded this model to our regional jail facilities as well. Through justice reinvestment we have successfully worked to address substance abuse which is the root cause of many crimes. Because of that work we have expanded drug courts, substance abuse counseling and greater supervision after release and ultimately we have better control incarceration rates which prevented our State from having to build a new \$200 million prison that was projected to be needed because of our previous rise in prison population. Just this week we announced the news that West Virginia had reached settlements with two additional drug wholesalers totaling \$36 million which resolves allegations by our State regarding the distribution of controlled substances in West Virginia. This brings the total amount of drug-settlement money paid to our State by drug wholesalers to \$47 million which will expand our efforts even further for more law-enforcement diversion options, more treatment-recovery services and more efforts to fight this epidemic. (Applause)

I'm also very proud of the work we have done in creating the State's first ever 24-hour substance-abuse call line. You may remember that number 844-HELP-4-WV which has received nearly 8,500 calls since it launched in September 2015. The help line provides referral support for those seeking

them and recovery services. It is an opportunity for people who are struggling to talk with someone who cares, get connected to treatment options and begin the road to recovery. No caller is ever placed on hold and they are immediately connected with treatment staff representing the best and most appropriate treatment options for each of them. Administered by First Choice Health Systems of West Virginia this help line is staffed by certified professionals, many who have overcome addictions themselves and want to help others turn their lives around as well. The one young gentleman that I met did just that because he picked up the phone. A. J. Walker, a recovering alcoholic and addict, was given the help line number by his brother. A. J. said that when he called he was treated like a person, not like a drug addict. He found hope. They got him into the detox facility and into recovery and the help line staff called and checked on him every step of the way. Today A. J. is employed by the treatment facility that helped him and he is in school studying to become a substance abuse counselor. A. J. is here today with his brother Andrew along with Vickie Jones, our Commissioner of our Bureau of Behavioral Health and Health Facilities. I would ask that they, please, stand. (Applause)

A.J., we are so proud of you and today you are giving other people the hope that they need to get the help that they need. Thank you so much. Now I hear stories like A.J.'s, I'm incredibly optimistic for West Virginia's future. With economic changes, job losses and families struggling we have to seize every opportunity before us to become stronger as individuals and as a state. One such opportunity lies in Boone and Lincoln Counties where I believe we have the chance to revitalize southern West Virginia and make the Mountain State stronger. It was here in this chamber, one year ago, during my state of the State address where I announced plans for the largest development project in West Virginia history at the former Hobet Surface Mine site in Boone and Lincoln Counties. Since last year at this time we have worked every day and we have made tremendous progress on this project which is now known as Rock Creek Development Park. We have worked with local landowners who are generously donating land that will result in more than 12,000 developable acres for Rock Creek which is a size of the City of Huntington. (Applause)

The West Virginia National Guard, Rock Creek's first tenant, is on the ground with newly expanded operations for maintenance work and trading and we have a long-term strategic plan which is now in place which looks at demographics and market trends to help us identify the best investment opportunities for Rock Creek. For generations our coal miners, workers and their families have kept West Virginia strong. Now it is our turn to help them by realizing the full potential of Rock Creek Development Park for job creation and economic diversification. We can build up a region of our State hard hit by the downturn in the coal industry. My vision for Rock Creek started many years ago. Senator Stollings may remember this cause I rode around on my 4-wheeler around the hills of southern West Virginia and saw the possibilities that such an enormous site with such a great amount of flat land could have. Embracing opportunities like this takes careful thought and planning and this public-private project will require some state investment but I wholeheartedly believe that the returns will vastly exceed our investments. This isn't something that I say lightly. Throughout my 42 years in public service, fiscal responsibility has been at the heart of every project I've undertaken, every policy I have fought for and every decision that I have made. As a result of much hard work, over the years we have been able to decrease taxes, embrace responsible spending, make great progress toward the State's unfunded liabilities and control growth of our State's budget. We have realized milestone tax reforms, including progressive elimination of the food tax, saving West Virginians \$162 million each year. (Applause)

We have gradually eliminated the State's business franchise tax and decrease the corporate net income tax. Changes that make West Virginia more attractive for business investments. As a result of responsible reforms last year the council, the National Council on Compensation Insurance filed the 12th reduction in Workers' Compensation premiums in 12 years and West Virginia employers have seen a savings of more than \$352 million since we privatized the program in 2006. (Applause)

We addressed our Other Post Employment Benefits by dedicating \$30 million annually to pay off the \$5 billion unfunded liability which was caused by previous promises that became too expensive to maintain. As I did last year, I present to you today, a budget that is balanced but a budget that requires difficult decisions and thinking about the next generation rather than the next election. I continue to be proud of the fiscal responsibility we have shown, not just for the past six years but over the last generation. Our commitment to pay down our long-term liabilities has not waived and we have responsibly reduced taxes on both our employers and our employees. Because of our improved fiscal policies, we have been able to refinance bonds that pay for schools, water and sewer lines, college-campus improvements and roads. We have been able to save over \$100 million in the past six years. (Applause)

So, when people ask me why I am so concerned with maintaining our Rainy Day Fund and our bond rating, that is why. It means more schools, more roads and more homes with clean water. As part of tough decisions during tough economic times, we have cut more than \$600 million from our budget in the past five years. While we all continue to hope that the coal industry will rebound that hasn't happened quickly and likely will never return to the levels that we once saw. We continue to work to diversify our economy and I know the improvements that we have made will pay long-term dividends and job growth and investment. But we are not there yet and part of being fiscally responsible means making sure that we can pay our bills without taking the Rainy Day Fund to dangerously low levels or cutting services to the point we cannot care for our people or educate our students. Therefore, the budget I present to you today includes a 1 percent increase in the consumer sales tax to raise \$200 million and elimination of the current sales tax exemption on telecommunication services. A move that would make our system the same as 80 percent of the country. I understand that these taxes will not be easy but asking people to pay a few dollars more now is a far better choice than seeing PEIA cards not being accepted by medical providers or going back to the days when we couldn't finance school and road improvements or even pay the gas bill at the Governor's mansion. I urge you to consider these responsible actions to balance the budget until the brighter economic picture, that we all expect, comes into focus. I believe the thing that compelled each of us to public service is our love for West Virginia and that is the very thing that should compel us to all work together. When I became you Governor, I said that we must put West Virginia first and that is what we have done. I encourage you to continue working together and out of that deep devotion to our beloved State in the coming year and beyond. I am proud of the work that we have accomplished. I look forward to the leadership of Governor-elect Jim Justice and I thank all of you who have worked with me over the years. I want to thank my cabinet members and agency directors and I thank my dedicated staff members who have worked every day not for me but for the people of West Virginia. (Applause)

It has been the honor of my life to be your Governor, to be West Virginia's Governor. Jo Ann and I thank the people of West Virginia for your abiding trust, counsel and support. We look forward with the greatest hope and optimism to

an even stronger West Virginia. Ladies and gentlemen, thank you. God bless you and God bless our great State of West Virginia. Thank you. (Applause)

The committee to wait upon His Excellency, the Governor then escorted the Governor from the Chamber.

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The members of the Senate retired to their Chamber.

The Speaker then called the House to order.

Messages from the Senate

A message from the Senate, by

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

S. C. R. 1 – “Adopting joint rules of the Senate and House of Delegates.”

Resolved by the Legislature of West Virginia:

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

Joint Assembly

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

Joint Assembly to Open and Publish Election Returns

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant-at-Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening and publishing of the returns of the elections for State officers, held on the _____ day of _____. The Speaker of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate and officers thereof to take seats assigned to them, and after announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and the highest number of votes for the same office,

the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by Article VII, Section 3 of the Constitution of West Virginia.

Disagreement and Conference

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

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

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

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

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

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

Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate

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

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

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

Messages Between the Houses

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

Bill Processing

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

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

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

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

5a. A "bill authorizing the promulgation of proposed legislative rules" or a "bill of authorization" is a measure intended to be enacted as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of

the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

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

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

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

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

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

One House to Notify Other of Rejection of Bill

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

Record of Bills and Resolutions

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

Clerks to Endorse Bills or Resolutions

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

Messages to be in Writing

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

Each House to Have Control of Own Printing

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

Joint Committees

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

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

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

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

(a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

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

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

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

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

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

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

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

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

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

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

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

Engrossed Bills to Be Filed with Clerk of the House

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

Joint Committee on Enrolled Bills

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

Printing Enrolled Bills

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

Authentication of Enrolled Bills

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

Presenting Enrolled Bills to Governor

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

Record of Enrolled Bills

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

Action of Governor on Bills

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

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

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

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

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

Joint Meetings of Committees

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

What Shall Be Printed in the Journal

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

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

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

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

Manner of Printing the Journal and Bills

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

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

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

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

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

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

Resolutions

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

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

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

Suspension of Joint Rules

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

Transfer of Appropriations Between Items

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

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

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

Governing Powers

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

Receipt of Constitutional Petitions and Resolutions

30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate

and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

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

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

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

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

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

A message from the Senate, by

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

S. C. R. 2 – “Payment of supplies, services and printing.”

Resolved by the Legislature of West Virginia:

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

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

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

Resolutions Introduced

Mr. Speaker, Mr. Armstead, offered a resolution, which was read by the Clerk as follows:

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

Resolved by the House of Delegates:

That Rules of the House of Delegates for the 83rd Legislature are hereby adopted and shall govern the proceedings of the Regular Sessions of the Legislature and any Extraordinary Sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, as follows:

RULES

ELECTION AND DUTIES OF OFFICERS

Officers and Their Compensation

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

Vote to Be Viva Voce

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. (HR21, Reg. Sess., 1985; HR1, Reg. Sess., 2017)

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

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

Preservation of Order

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

Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair. 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 members shall speak more than once on such appeal without leave of the House.

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

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

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

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

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

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

Appointment of House Employees

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the beginning of each regular session of the Legislature, ~~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~~ deemed necessary to efficiently carry on the work of the House, ~~but not to exceed the total 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 experience 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 appointed for the extraordinary session. Such persons as are appointed shall be selected~~ with due regard to experience and qualifications.

All employees of the House shall report each day to their supervisor. ~~the Clerk of the House of Delegates or A some person designated by him, and the Clerk of the House of Delegates~~ shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Saturdays and Sundays during sessions excepted, unless excused by the Speaker Committee on Rules. All employees shall be on duty daily during such hours as shall be designated by their supervisor ~~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 during each regular session. The Speaker may hire, discharge and adjust salaries of employees subsequent to the adoption of the resolution as allowed by this rule. (HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR2, Reg. Sess., 1971; HR1, Reg. Sess., 2017)

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

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

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

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

Appointment of Committees and Subcommittees

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

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and designate the chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House. (HR2, Reg. Sess., 1967)

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

Chairman of Committee on Rules

11. The Speaker shall be *ex officio* 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.

CLERK, SERGEANT-AT-ARMS AND DOORKEEPER**CLERK****Examination of Journal**

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

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

CLERK, SERGEANT-AT-ARMS AND DOORKEEPER**CLERK****Charge of Clerical Business of House**

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

Duties of Clerk

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued

by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

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

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

Clerk to Have Custody of All Records

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

Appointment of Assistants

19. The Clerk may appoint such assistants and other personnel as is authorized by Rule 9 code, resolution or by the Rules of the House, and shall have the power to remove any appointee and appoint another in his stead. (HR22, Reg. Sess., 1963; HR1, Reg. Sess., 2017)

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

Effect of the 2017 amendment. Technical amendment clarifying that the West Virginia Code or resolution grants authority for the Clerk to appoint assistants.

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. (HR 1, Reg. Sess., 2017)

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

Payment for Printing

~~21. 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.~~

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

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

SERGEANT- AT-ARMS**Duties**

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

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

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

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

DOORKEEPER**Duties**

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

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

24. No member shall absent himself from the service of the House unless he 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~~ his or her absence is necessary to observe the Sabbath or other religious observance shall be excused from attending upon the House on that day. (HR1, Reg. Sess., 2017)

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

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. (HR2, Reg. Sess., 1967)

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

Punishment of Members

30. The House of Delegates may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25]

Providing for Undisturbed Transaction of Business

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26]

ORDER AND DECORUM IN DEBATE

Recognition and Decorum

32. When a member is about to speak in debate or deliver any matter to the House, he shall rise in his place and upon being recognized, 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. (HR1, Reg. Sess., 2017)

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

Recognition by the Chair

33. When two or more members shall rise or request recognition 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.~~ (HR1, Reg. Sess., 2017)

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

Mover of Question to Have Preference in Debate

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

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

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

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, by rising, announcing a point of order, and addressing the rule being violated when called upon by the Speaker, call him 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.

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

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

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

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

Members Not to Be Disturbed While Speaking

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

Speaking Before Negative is Put

40. ~~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.~~

(Rescinded by HR1, January 11, 2017.)

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

PUTTING QUESTIONS AND VOTING

Putting Questions; Division

41. All questions on which the yeas and nays are not taken shall be put ~~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. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017)

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

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

Yeas and Nays

42. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the

joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

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

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

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

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

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

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

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

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

Pairs

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized unless made in person by the member signing the same, nor unless one or both of the parties thereto are absent.

Division of Question

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

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

Calling of Yeas and Nays

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

Tie Vote Loses Question

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

Verification of Vote

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

Explanation of Vote

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

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

When Members Not to Vote

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

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

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

Voting by Machine

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, ~~the 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. (HR1, 1st Ex. Sess., 1936; HR1, Reg. Sess., 2017)

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

MOTIONS

Stating the Question

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

Form of Motion

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

Withdrawal of Motions

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

Order and Precedence of Motions

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

1. To adjourn.

2. To lay on the table.
3. For the previous question.
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. (HR2, Reg. Sess., 1967)

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

Debate on Motions to Reconsider

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

Reconsideration of Question Requiring More than Majority Vote

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

Effect of Motion to Table

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

Motion Must Be Germane

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

Previous Questions

63. When any question is before the House, any member who has not spoken on the question, when properly recognized, may move the previous question. Any demand for the previous question must be sustained by one tenth of the members present. ~~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.~~ If sustained, the motion for the previous question shall be put by the Speaker, without

debate, in the form of "Shall the question on _____ now be put? 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. If the motion for the previous question is adopted by a majority vote of members present, that question shall be put to a vote without further debate: *Provided*, That if the question is passage of the bill or adoption of a resolution, the Member recognized by the Speaker pursuant to Rule 34 to explain the bill or resolution shall be provided five minutes to close debate.

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

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

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

MEETING OF THE HOUSE

Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, ~~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.~~ eleven o'clock A.M. (HR1, Reg. Sess., 2017)

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

ORDER OF BUSINESS

Daily

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

- I. To read, correct, and approve the Journal.

II. Introduction of guests.

III. To receive and consider reports of standing committees.

IV. To receive and consider reports of select committees.

V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.

VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.

VII. To receive (a) resolutions, (b) petitions, (c) motions.

VIII. Bills introduced on motion for leave and referred to appropriate committees.

IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.

X. House and Senate Bills on third reading.

XI. House and Senate Bills on second reading.

XII. House and Senate Bills on first reading.

XIII. To act upon leave of absence for members.

XIV. Remarks by members of the House.

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

XV. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002)

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

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

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. (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017)

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

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

Priority of Business

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

Special Orders

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

Reports and Messages Receivable at Any Time

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

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

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

Consideration of Local Bills

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

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

Special Calendar

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

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

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

Effect of the 2017 amendment. Implemented a Special Calendar beginning on the 30th Day of the Regular Session and during any extraordinary session unless the House otherwise directs.

Consent Calendar

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

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

COMMITTEES

Kinds of Committees

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

Committee of the Whole

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

Rules of Proceeding in the Committee of the Whole

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

Consideration of Bills in Committee of the Whole

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

Motion to Rise Decided Without Debate

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

Standing Committees

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

Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy
5. Committee on Finance
6. Committee on Government Organization
7. Committee on Health and Human Resources
8. Committee on Industry and Labor
9. Committee on Interstate Cooperation
10. Committee on the Judiciary
11. Committee on Pensions and Retirement
12. Committee on Political Subdivisions
13. Committee on Prevention and Treatment of Substance Abuse
- ~~14~~3. Committee on Roads and Transportation
- ~~15~~4. Committee on Rules
- ~~16~~5. Committee on Senior Citizen Issues
- ~~17~~6. Committee on Small Business, Entrepreneurship and Economic Development
- ~~18~~7. Committee on Veterans' Affairs and Homeland Security

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jurisdiction of Committees

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

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

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

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

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

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

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

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; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

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

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

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

154. Committee on Rules: (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and

pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

165. Committee on Senior Citizen Issues: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Composition of Committees

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

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

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

Effect of the 1963 amendment. The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

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

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

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

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

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

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

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

Duties of Committees

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

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

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

Reference

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

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

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

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

Reports of Committees

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

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

Discharging Committee from Consideration of Bill

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

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

Committee Meetings

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

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

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

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

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

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

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

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

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

Committee Hearings

~~84. On written request of the introducer of a bill or any interested person or organization, timely made to the Chair or clerk of a committee, a public hearing shall be held on any measure on the official agenda of the committee. A request for a public hearing shall only be proper in any committee to which the measure has been referred before the bill is explained. If the request for a public hearing be made after the committee agenda has been published, the Chair of the Committee may either remove such measure from the agenda and schedule the hearing to be held no sooner than the second calendar day following publication of the notice of public hearing, or may proceed with consideration of such measure in committee, in which case a public hearing shall be held by a subsequent committee to which the measure has been referred, if any, no sooner than the second calendar day following publication of the notice of the public hearing. If such measure on which a public hearing is requested as aforesaid be reported to the floor, and no public hearing has been held by a committee prior to such measure being reported to the floor, the Chair of the Committee shall schedule a public hearing no sooner than the second calendar day following publication of notice of the public hearing, but prior to the measure being considered for passage.~~

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

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

If the request for a public hearing is made after the committee agenda has been published, either:
(1) The Chair of the Committee shall remove such measure from the agenda and schedule the public

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

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

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

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

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

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

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

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

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

Witnesses Before Committees

84a. Every committee of the House shall ~~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, the committee clerk or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

No committee shall invoke this rule unless in the judgment of a majority of members appointed to the committee special circumstances so require. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Required every witness appearing before a committee to be administered an oath.

Committee Clerks

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

Committee Records

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

(a) The time and place of each hearing, and of each meeting of such committee.

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

(c) The names and addresses of all persons appearing before the committee, with the name of person, persons, firm or corporation, and addresses, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a ye and nay vote is taken.

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

Committee Quorum; Subcommittees

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

Minority Views

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

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

House Rules to Govern Committee

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

Select or Special Committees

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

Conference Committees and Reports

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

BILLS, RESOLUTIONS AND PETITIONS

BILLS AND JOINT RESOLUTIONS

Time Limit on Introducing

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the thirty-fifth ~~forty-second~~ day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The thirty-fifth ~~forty-second~~ day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under provisions of this rule, ~~quaduplicate~~ duplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced. (HR22, Reg. Sess., 1981; HR17, Reg. Sess., 1994; HR11, Reg. Sess., 1995; HR3, Reg. Sess., 2008; HR1, Reg. Sess., 2015; HR 1, Reg. Sess., 2017).

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

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

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

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

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

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

Method of Introducing

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

a bill from the floor in case of urgency. (HR26, Reg. Sess., 1963; HR3, 1st Ex. Sess., 1968; HR3, Reg. Sess., 1972)

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

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

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

Bill Carryover

92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the request of the sponsor ~~or cosponsors~~ of the bill or resolution, such request to be made to the Clerk of the House not later than ~~ten~~ thirty days prior to the commencement of the session.

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

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

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

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

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

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

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

Bills to Be Presented in Duplicate

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

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

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

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

Joint Sponsors of Bill

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

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

Introduction of Bills by Request

94a. A bill may be introduced by request. All bills introduced by request shall bear the words "by request," following the designation of the name or names of the bill sponsor or sponsors. (HR13, Reg. Sess., 1988)

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

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

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

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

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

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

Reference to Committees

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

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

Fiscal Notes

95a. Prior to consideration, by the House or by any committee thereof, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, which "fiscal note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual," prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates.

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

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

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

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

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

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

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

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

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

Correctional System Fiscal Impact Note

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

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

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

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

Economic Impact Statement

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

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

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

What Bills to Contain

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

Bill Not to Embrace More Than One Object

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

Reporting Bills from Committee

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

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

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

Printing of Bills

99. ~~All bills favorably reported from committee and such other bills as the House may order shall be printed promptly.~~ (HR2, Reg. Sess., 1967; Rescinded by HR1, January 11, 2017.

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

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

Recommitment of Bills

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

Reading Bills

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

Bills to Have Three Readings

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

Bills - First Reading

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

Bills - Printing and Availability to Members

~~104. 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.~~

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

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

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

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

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

Amending and Engrossing Bills

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

Time Bills to Go into Effect

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

Senate Bills

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

RESOLUTIONS

Resolutions

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

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

(2) *Concurrent Resolutions*: Concurrent resolutions shall be used for the purpose of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

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

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

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

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

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

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

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

Introduction of Resolutions

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

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

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

Action on Resolutions

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

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

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

PETITIONS

Petitions

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

Effect of the 2017 amendment. Technical cleanup.

AMENDMENTS

Forms For

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

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

Must Be Germane

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

Time for Offering

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

Reading and Stating

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

By Striking Out Enacting Clause

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

Amendment to an Amendment

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

Amendment to Have Precedence Over Substitute

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

Motion to Amend to Have Precedence Over One to Strike Out

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

Filling Blanks

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

No Amendment by Way of Rider

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

Agreeing to Senate Amendments

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

Amendment by Section

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

Amending Titles

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

Amendments to Senate Bills

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

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

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

Amendments to Be Printed in Journal

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

Speaking on Amendments

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

JOURNAL

Clerk to Keep

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

Approval and Correction

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

Printing Official Copies

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

Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the printer, ~~to be printed and distributed without delay~~ Legislative Print Shop. An electronic version of the Journal is to be posted on the Chamber Automation System and printed copies are to be available on request prior to the start of the next session. (HR 1, Reg. Sess., 2017)

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

Form and Content of Journal

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

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

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request.

Inserting Remarks in Journal

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

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

CHANGE OR SUSPENSION OF RULES

Rescinding or Amending Rules

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

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

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

Suspension of Rules

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

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

Manual and Rules

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

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

MISCELLANEOUS RULES

Persons Admitted to the Floor – Members' Gallery

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

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

Effect of the 1961 amendment. The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor's secretary; prohibited introductions while the House is in session; and designated the west gallery as the "Members' Gallery" and provided manner for admission of guests thereto.

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

Smoking and Use of Tobacco Products Prohibited

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

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

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

Attire of Persons Admitted to Floor

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

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

Lobbying in the House Chamber

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

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

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

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

Registration of Lobbyist

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

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

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

Use of electronic communication devices prohibited

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

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

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

News Correspondents and Reporters

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

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

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

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

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

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

Lounging Prohibited in the Hall of the House

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

Peddling Prohibited

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

Regulating Use of Halls

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

Oaths

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

Janitors

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

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

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

H. R. 2 – “Authorizing the publication of a Legislative Manual and authorizing payment of travel and other expenses of the House.”

Resolved by the House of Delegates:

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

II. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 83rd Legislature.

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

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

H. R. 3 – “Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates.”

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 500 copies of the Acts of the 2017 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

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

The Clerk of the House of Delegates is also authorized to publish not to exceed 250 copies of the Journal of the House of Delegates for the first regular session of the 83rd Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and five copies of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

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

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

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

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

H. R. 4 – “Authorizing the appointment of employees for this, the First Regular Session of the Eighty-third Legislature, two thousand seventeen.”

Resolved by the House of Delegates:

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

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

Fourteen Legislative Assistants at \$65.00 - \$105.00

Three Committee Clerks at \$75.00 - \$140.00

Five Committee Assistant Clerks at \$65.00 - \$120.00

Four Messengers at \$65.00 - \$110.00

Six Attorneys at \$200.00 - \$380.00

One Doorkeeper at \$155.00

Six Assistant Doorkeepers at \$85.00

One Sergeant-at-Arms at \$155.00

Two Assistant Sergeants-at-Arms at \$85.00

One Head Page at \$100.00

One Assistant Page at \$80.00

Two Maintenance Assistants at \$65.00

One Clerk Assistant at \$155.00

Two Office Assistants to the Clerk's Office at \$85.00 - \$95.00

One Administrative Assistant to the Clerk's Office at \$158.00

One Policy Analyst to the Majority Office at \$90.00

One Policy Analyst to the Committee on Education at \$231.00

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

One Chief Clerk at seven thousand four hundred sixteen dollars and sixty-seven cents per month;

One Assistant Clerk/Parliamentarian at five thousand dollars per month;

One Bill Status Clerk at three thousand three hundred ninety-three dollars and twenty-two cents per month;

One Journal Clerk at three thousand three hundred thirty-four dollars and thirty-three cents per month;

One Documents Clerk at three thousand five hundred eighty-three dollars and sixty-seven cents per month;

One Administrative Assistant to the Clerk's Office at three thousand one hundred eleven dollars and seventy-five cents per month;

One Fiscal Officer at three thousand five hundred eighty-three dollars and thirty-three cents per month;

One Assistant Fiscal Officer at two thousand nine hundred sixty-six dollars and sixty-seven cents per month;

One Purchasing Agent at three thousand four hundred seventy-eight dollars and forty-two cents per month;

One Mail Clerk at two thousand five hundred sixty-nine dollars and seventeen cents per month;

One Communications Director to the House at four thousand eight hundred thirty-three dollars and thirty-three cents per month;

One Policy Analyst to the Speaker at four thousand one hundred sixty-six dollars and sixty-seven cents per month;

One Policy Analyst to the Majority Whip Office at three thousand three hundred thirty-three dollars and thirty-four cents per month;

One Counsel/Chief of Staff to the Speaker at nine thousand five hundred eighty-three dollars and thirty-three cents per month;

One Assistant to the Speaker at six thousand six hundred sixty-six dollars and sixty-seven cents per month;

One Director of Supplies at three thousand five hundred forty-one dollars and sixty-seven cents per month;

One Maintenance Staff at two thousand ninety-two dollars and thirty-seven cents per month;

One Maintenance Staff at three thousand seventy-six dollars and fifteen cents per month;

One Maintenance Staff at two thousand two dollars and ninety-two cents per month;

One Chief Counsel to the Committee on the Judiciary at seven thousand six hundred sixty-six dollars and sixty-seven cents per month;

One Counsel to the Committee on the Judiciary at six thousand nine hundred dollars per month;

One Counsel to the Committee on the Judiciary at seven thousand two hundred ninety-one dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on the Judiciary at four thousand twenty-three dollars and fifty cents per month;

One Administrative Assistant to the Committee on the Judiciary at three thousand three hundred thirty-three dollars and thirty-three cents per month;

One Chief Counsel to the Committee on Education at six thousand seven hundred fifty dollars per month;

One Legislative Assistant to the Committee on Education at three thousand four hundred seventy-one dollars and ninety-five cents per month;

One Chief Counsel to the Committee on Finance at eight thousand five hundred seventy-five dollars per month;

One Policy Analyst to the Committee on Finance at six thousand two hundred seventy dollars per month;

One Budget Analyst to the Committee on Finance at three thousand four hundred thirty-three dollars and thirty-four cents per month;

One Budget Analyst to the Committee on Finance at three thousand four hundred thirty-three dollars and thirty-four cents per month;

One Committee Clerk to the Committee on Finance at four thousand two hundred six dollars and thirty-one cents per month;

One Chief Counsel to the Committee on Government Organization at five thousand nine hundred fifty-eight dollars and thirty-four cents per month;

One Administrative Assistant to the Committee on Government Organization at three thousand forty-one dollars and sixty-seven cents per month;

One Legislative Analyst to the Committee on Government Organization at three thousand four hundred eighty-three dollars and thirty-four cents per month;

One Chief Counsel to the Committee on Health and Human Resources at six thousand seven hundred fifty dollars per month;

One Legislative Analyst to the Committee on Health and Human Resources at three thousand seven hundred six dollars and sixty-nine cents per month;

One Administrative Assistant to the Committee on Health and Human Resources at three thousand ninety-one dollars and sixty-seven cents per month;

One Chief Counsel to the Minor Committees at seven thousand five hundred forty-one dollars and sixty-seven cents per month;

One Analyst to the Minor Committees at three thousand eighty-three dollars and thirty-three cents per month;

One Chief Counsel to the Energy Committee at six thousand dollars per month;

One Clerk to the Energy Committee at three thousand two hundred eighty-five dollars and six cents per month;

One Policy Analyst to the Minority Leader at three thousand eight hundred thirty-four dollars and thirty-four cents per month;

One Office Manager to the Minority Office at three thousand one hundred sixty-six dollars and sixty-seven cents per month;

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

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

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him

or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

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

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

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

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

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

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Caputo and Hicks.

At 2:47 P. M., on motion of Delegate Cowles, the House of Delegates adjourned until 12:00 noon, Wednesday, February 8, 2017, pursuant to H. C. R. 3.

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

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