

SENATE RESOLUTION NO. 1

(By Senators Kessler, Beach, Browning, Edgell, D. Facemire,
Foster, Klempa, Laird, McCabe, Palumbo, Prezioso, Snyder, Unger,
Wells, Wills and Yost)

1 Adopting rules of the Senate.

2 *Resolved by the Senate:*

3 That the rules of the Senate be adopted as follows and shall
4 govern the proceedings of the Senate during the eightieth
5 Legislature, subject to amendment as provided in the rules:

6 **RULES OF THE SENATE**

7 QUORUM

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

15 2. In case a less number than a quorum of the Senate shall
16 convene, the members present are hereby authorized to send the
17 Sergeant at Arms, or any other person or persons by them
18 authorized, for any and all absent members as the majority of such
19 members shall agree, at the expense of such absent members,

1 respectively, unless such excuse for nonattendance shall be made as
2 the Senate, when a quorum is convened, shall judge sufficient; and,
3 in that case, the expense shall be paid out of the contingent fund
4 of the Senate. This rule shall apply, as well to the first meeting
5 of the Senate at the legal time of meeting, as to each day of the
6 session, after the hour has arrived to which the Senate stood
7 adjourned.

8 OFFICERS

9 3. The Senate, at the commencement of each new Legislature,
10 shall elect as its officers a President, Clerk, Sergeant at Arms
11 and Doorkeeper. If at any time the President becomes acting
12 Governor pursuant to Article VII, Section 16 of the West Virginia
13 Constitution, the Senate shall immediately elect one of its
14 remaining members to serve as acting President. The acting
15 President shall act and serve at all times when the duly elected
16 President is serving as acting Governor and shall perform all of
17 the duties of the office of Senate President without limitation:
18 Provided, That the acting President shall not be in the line of
19 succession for acting Governor under the provisions of Article VII,
20 Section 16 of the West Virginia Constitution. The vote of a
21 majority of all the members elected to the Senate shall be
22 necessary for the election of these officers and the vote shall be
23 by voice vote and be entered upon the Journal.

24 4. The President of the Senate or acting President shall

1 appoint a President *pro Tempore*, who, during the absence of the
2 President or acting President, if any, shall preside and perform
3 all the duties of the President.

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

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

14 ORDER OF BUSINESS AND PROCEDURE

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

- 16 1. To read, correct and approve the Journal.
- 17 2. Introduction of guests.
- 18 3. To dispose of communications from the House of
19 Delegates and the Executive.
- 20 4. To receive reports from standing committees.
- 21 5. To receive reports from select committees.
- 22 6. To receive bills, resolutions, motions and petitions.
- 23 7. To act upon unfinished business of the preceding day
24 and resolutions lying over from the previous day,
25 and no resolution shall lose its place on the
26 calendar by not being acted upon on the day
27 following that on which it was offered.
- 28 8. Senate and House bills on third reading.
- 29 9. Senate and House bills on second reading.
- 30 10. Senate and House bills on first reading.
- 31 11. Introduction of guests.
- 32 12. Remarks by members of the Senate.
- 33 13. Miscellaneous business.

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

7 9. If the question in debate contains several points, any
8 member may have the same divided. On motion to strike out and
9 insert, it shall not be in order to move for a division of the
10 question.

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

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

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

1 of the question shall have the right to close the debate thereon.

2 13. While the President is putting the question, any member
3 who has not spoken before to the matter may speak to the question
4 before the negative is put.

5 BILLS AND RESOLUTIONS

6 14. No Senate bill, other than a Senate supplementary
7 appropriation bill, and no Senate joint resolution shall be
8 introduced in the Senate after the forty-first day of a regular
9 session unless permission to introduce the bill or the joint
10 resolution be given by a Senate resolution, setting out the title
11 to the bill or the joint resolution and adopted by a two-thirds
12 vote of the Senate members present. When permission is requested
13 to introduce a bill or joint resolution under the provisions of
14 this rule, quadruplicate copies of the bill or the joint resolution
15 shall accompany the resolution when introduced.

16 A standing committee of the Senate may originate a bill or
17 resolution and report the same after the forty-first day.

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

22 15. Each bill or resolution for introduction shall be
23 presented in quadruplicate, bearing the name of the member or
24 members by whom it is to be introduced, and shall be filed with the

1 Clerk not later than twelve o'clock meridian on the legislative day
2 next preceding its introduction: *Provided*, That the pre-filing
3 requirement shall not apply to the first day of any session of the
4 Legislature. A bill may be introduced by request. All bills
5 introduced by request shall bear the words "by request", following
6 the designation of the name or names of the bill sponsor or
7 sponsors.

8 The Clerk shall designate one copy of a bill or resolution the
9 official copy and it shall constitute the official bill or
10 resolution for use of committees and for the permanent files of the
11 Senate. One copy shall be used for printing and copying, one for
12 the use of the news media and one for the Clerk's general office
13 files.

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

20 15a. Prior to final consideration, by any committee in the
21 Senate, of any bill which either increases or decreases the revenue
22 or fiscal liability of the State or any county, municipality or
23 other subdivision of the State or in any manner changes or modifies
24 any existing tax or rate of taxation, such bill shall have attached

1 thereto a fiscal note, if available, which "Fiscal Note" shall
2 conform to the requirements as to form and content prescribed by
3 the "Fiscal Note Manual", prepared and adopted by the Committee on
4 Rules to govern preparation of fiscal notes to bills introduced in
5 the Senate.

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

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

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

18 It is hereby declared to be the policy of the Senate that
19 concurrent resolutions be limited to the general purposes of
20 expressing the sentiments of the Legislature, for authorizing
21 expenditures incidental to the sessions and business of the
22 Legislature, for agreeing upon adjournments beyond the
23 constitutional limitation, for creating special joint committees,
24 for raising a joint assembly and other inferior and incidental

1 purposes of legislation, and such other purposes as the Legislature
2 may deem proper. The adoption of such resolutions must be
3 concurred in by both houses.

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

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

17 Before any concurrent resolution is introduced, it shall be
18 submitted to the Clerk for determination of compliance with this
19 rule. If the Clerk determines that it is in compliance with this
20 rule, the concurrent resolution shall be introduced. If the Clerk
21 determines that it is not in compliance with this rule, or if the
22 Clerk is in doubt about its compliance, the Clerk shall submit it
23 to the Committee on Rules for this determination, and then the
24 concurrent resolution shall be introduced only if the Committee

1 determines that it is in compliance with this rule.

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

9 18. All bills and resolutions passed or adopted by and
10 reported from the House of Delegates shall be read by their titles
11 and referred to the appropriate committee unless the Senate directs
12 otherwise by a vote of a majority of the members present. They
13 shall then be proceeded with in the same manner as Senate bills or
14 resolutions. All bills and joint resolutions introduced shall be
15 read by their titles and referred to the appropriate committee
16 without printing and shall be treated in committee as resolutions
17 of inquiry. If the committee reports a bill or resolution
18 different, either by amendment or substitution, from the one
19 introduced, it shall be received and treated by the Senate as the
20 original bill or resolution. All Senate bills and joint
21 resolutions reported by a committee shall be printed, with the
22 proposed committee amendments printed on the foot thereof, and
23 shall be then read a first time, unless in any of the aforesaid
24 cases the Senate directs otherwise by a vote of a majority of the

1 members present.

2 18a. Any bill, resolution or business which does not follow the
3 procedures of Rule Nos. 17 and 18 shall remain in the possession of
4 the Senate Committee on Rules.

5 19. All bills shall be read on three different days, unless in
6 case of urgency, by a vote of four fifths of the members present,
7 taken by yeas and nays, on each bill, this rule be dispensed with.

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

10 21. On each reading of the bill the Clerk shall state whether
11 it is the first, second or third reading of such bill, but no bill
12 shall be put upon its second reading until the same shall have been
13 printed and delivered to the members of the Senate at least one day
14 previous to such reading, unless the Senate directs otherwise by a
15 vote of a majority of the members present.

16 21a. Upon motion of any member, on any legislative day or the
17 day preceding, the Senate may, by a vote of two thirds of those
18 present, establish a period of time known as "Bill Reading Docket".

19 Such motion shall state each bill to be read, the time and
20 order for such bill reading docket to commence and to conclude, and
21 may provide for the adjournment or recess of the Senate for not
22 more than one legislative day, during which reading of the docket
23 no motion, except a motion to postpone the reading of the bills, by
24 two-thirds vote of those elected, shall be heard. A quorum shall

1 not be required during the reading of the docket. Any and all
2 members requesting that a bill be read shall be present at all
3 times in the Chamber during its reading.

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

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

8 23. If a committee shall have reported adversely to a bill,
9 the President immediately after the report of said committee is
10 read shall put the question, "Shall the bill be rejected?" which
11 question shall have precedence over all motions, except a motion to
12 adjourn.

13 24. A bill shall be amended only on second reading. When a
14 bill is being read for amendment, it shall be read section by
15 section on the demand of any two members. When the amendments
16 which may be moved shall be disposed of, the question shall be
17 taken on ordering a Senate bill to be engrossed and ordered to
18 third reading and on ordering a House bill to third reading. If a
19 Senate bill should be ordered to its engrossment and third reading
20 and amendments thereto have been made, the type from which the bill
21 was originally printed shall be changed to conform to the
22 amendments. The bill shall then be reprinted and shall be the
23 engrossed bill. If no amendments are made, the bill as originally
24 printed may be ordered to its third reading and shall become the

1 engrossed bill. All Senate bills so ordered shall be jacketed,
2 endorsed with their number, title, by whom introduced, and if the
3 bill is finally passed, the date of its passage and the signature
4 of the Clerk. If a Senate bill should be passed by the House and
5 returned to the Senate without amendments, or if amended, and the
6 amendments should be agreed to, the bill shall be enrolled by the
7 Clerk and delivered to the Joint Committee on Enrolled Bills. In
8 the case of a House bill on second reading if the same be amended,
9 the amendment or amendments shall be noted in full in typewriting
10 on slips of paper and attached to the bill at the proper place by
11 the Clerk before the bill is returned to the House, and all
12 amendments shall appear in the Senate Journal.

13 25. When a bill or joint resolution is put upon its passage or
14 adoption, respectively, the President shall propound the question,
15 "Shall the bill pass?" or "Shall the resolution be adopted?" On the
16 passage or adoption, respectively, of every bill or joint
17 resolution, the vote shall be taken by yeas and nays. When the
18 bill or joint resolution is on second reading and the question is
19 upon striking out, the President shall propound the question,
20 "Shall these words be stricken out?"

21 26. When a Senate bill or Senate joint resolution passed by
22 the Senate shall be amended by the House of Delegates, the question
23 on agreeing to the bill or joint resolution, as amended, shall be
24 again voted on by yeas and nays in the Senate. In all such cases

1 the affirmative vote of a majority of all the members elected to
2 the Senate shall be necessary.

3 COMMITTEES

4 27. At the commencement of each Legislature, standing
5 committees shall be appointed, each committee to consist of the
6 number of members indicated in the parentheses following the naming
7 of the committee. The following committees shall be named:

- 8 1. On Agriculture (11).
- 9 2. On Banking and Insurance (13).
- 10 3. On Confirmations (9).
- 11 4. On Economic Development (14).
- 12 5. On Education (14).
- 13 6. On Energy, Industry and Mining (13).
- 14 7. On Finance (17).
- 15 8. On Government Organization (14).
- 16 9. On Health and Human Resources (13).
- 17 10. On Interstate Cooperation (7); (the President of the
18 Senate is to be ex officio cochairperson).
- 19 11. On the Judiciary (17).
- 20 12. On Labor (11).
- 21 13. On Military (9).
- 22 14. On Natural Resources (13).
- 23 15. On Pensions (7).
- 24 16. On Rules (10); (the President of the Senate is to be
25 ex officio chairperson).
- 26 17. On Transportation and Infrastructure (9).

27
28 28. All standing committees shall be appointed by the
29 President. The President shall designate the chairperson of each
30 standing committee and may also designate a vice chairperson of any
31 standing committee when the President may deem it advisable.

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

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

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

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

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

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

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

19 The several standing committees shall have leave to report by
20 bill, resolution, or otherwise, any proposed legislation
21 originating therein, as well as to report back a committee
22 substitute for a Senate bill or resolution, or otherwise. A
23 committee substitute, with the consent of the original sponsor,
24 shall carry the name of the original sponsor. Reports of

1 committees shall be advisory only. All committees shall submit
2 their reports to the Senate in writing and the same shall be
3 printed in the Journal.

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

9 29. The President shall refer bills and resolutions introduced
10 and such other matters as the President shall deem appropriate to
11 a standing committee.

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

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

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

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

24 32. All meetings of Senate standing committees, other than

1 executive sessions, shall be open to the public, and an executive
2 session may be held only upon a majority vote of the members
3 present.

4 33. When the Senate shall resolve itself into the Committee of
5 the Whole, the President shall leave the chair and appoint a
6 chairperson to preside in the committee.

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

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

23 DECORUM AND DEBATE

24 35. If a member be called to order for words spoken in debate,

1 the person calling the member to order shall repeat the words
2 excepted to, and they shall be taken down in writing at the Clerk's
3 table; and no member shall be held to answer, or be subject to the
4 censure of the Senate, for words spoken in debate if any other
5 member has spoken or other business has intervened after the words
6 spoken and before the exception to them was taken.

7 36. While the President is reporting or putting a question, no
8 one shall entertain private discourse or walk into, out of or
9 across the Senate Chamber.

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

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

16 MOTIONS

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

- 19 1. To adjourn.
- 20 2. To lay on the table.
- 21 3. For the previous question.
- 22 4. To postpone the question to a different day.
- 23 5. To commit.
- 24 6. To amend.
- 25 7. To postpone indefinitely.

26
27 These several motions shall have precedence in order in which
28 they are arranged.

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

- 3 1. To adjourn.
- 4 2. To fix the time to which the Senate shall adjourn.
- 5 3. To lay on the table.
- 6 4. For the previous question.
- 7 5. To suspend the constitutional rule requiring bills to
8 be read on three several days.
- 9 6. To recess.

10
11 41. There shall be a motion for the previous question, which
12 being ordered by a majority of the members present, shall have the
13 effect to cut off all debate and bring the Senate to a direct vote
14 upon the immediate question or questions on which it has been asked
15 and ordered. The previous question may be asked and ordered upon
16 a single motion, a series of motions, or may be made to embrace all
17 authorized motions or amendments and include the bill to its
18 engrossment and third reading and then, on renewal and second of
19 said motion, to its passage or rejection. It shall be in order,
20 pending a motion for, or after the previous question shall have
21 been ordered on its passage, for the President to entertain and
22 submit a motion to commit with or without instructions to a
23 standing or select committee. A motion to lay upon the table
24 pending a motion for the previous question shall be in order only
25 when the previous question has been moved on the second or third
26 reading of a bill.

27 A call of the Senate shall not be in order after the previous
28 question is ordered, unless it shall appear upon an actual count by

1 the President that a quorum is not present.

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

5 RECONSIDERATION OF VOTE

6 42. After any question has been decided in the affirmative or
7 in the negative, it shall be in order for any member who voted with
8 the prevailing side to move for a reconsideration of the vote
9 thereon at any time on the same day or the next succeeding day of
10 actual session. When the yeas and nays have not been recorded in
11 the Journal, any member, irrespective of whether he or she voted
12 with the prevailing side or not, may make the motion to reconsider.

13 If the Senate refuse to reconsider, or upon reconsideration shall
14 affirm its first decision, no further motion to reconsider shall be
15 in order. No vote shall be reconsidered upon motions to adjourn,
16 to lay on the table, to take from the table or for the previous
17 question.

18 The motion to reconsider may be put and acted upon when made.
19 If seconded, it shall take precedence of all other questions,
20 except the consideration of a conference report and the motion to
21 adjourn, and unless by motion postponed until some future date be
22 acted upon at once. When a motion to reconsider is made and not
23 acted upon at the time, it shall be placed upon the calendar, under
24 unfinished business, and be acted upon the next succeeding day of

1 actual session. A motion to reconsider shall not be withdrawn
2 without leave of the Senate.

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

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

13 VOTING

14 43. Every member within the Senate Chamber, when a question is
15 put, shall vote unless he or she is immediately and particularly
16 interested therein, meaning an interest that affects the member
17 directly and not as one of a class, or the Senate excuses him or
18 her. All motions to excuse a member from voting must be made by
19 the member requesting to be excused before the Senate divides, or
20 before the call of the yeas and nays is commenced, and it shall be
21 decided without debate, except that the member making the motion to
22 be excused from voting may briefly state the reason why it ought to
23 be adopted.

24 44. The yeas and nays shall be taken on motions to dispense

1 with the constitutional rule requiring a bill to be fully and
2 distinctly read on three different days and on fixing the effective
3 date of an act of the Legislature; on agreeing to a joint
4 resolution proposing an amendment to the Constitution of the State;
5 on the passage of a bill notwithstanding the objections of the
6 Governor; on the passage of a supplementary appropriation bill; on
7 the passage of a Senate bill or Senate joint resolution amended by
8 the House; on all questions where a specific vote is required by
9 the Constitution, the Joint Rules of the Senate and House of
10 Delegates, or by these rules; on the passage of a bill; and on
11 quorum calls: *Provided*, That the yeas and nays shall be taken on
12 demand of any member on any question unless another member objects.
13 Upon any such objection the President shall inquire of the
14 membership if the demand for the yeas and nays is sustained. If
15 the demand is so sustained by one tenth of the members present, the
16 yeas and nays shall be taken, and, if the demand is not sustained
17 by one tenth of the members present, then the yeas and nays shall
18 not be taken.

19 The result of all votes taken by yeas and nays shall be
20 entered on the Journal. When the yeas and nays are inserted on the
21 Journal, the result of the vote as to total yeas, nays and
22 absentees shall be recorded, with the names of the Senators voting
23 yea or nay, and those absent.

24 When the yeas and nays are ordered, or a call of the Senate is

1 directed, the names of the members shall be called in alphabetical
2 order; excepting, however, the name of the President, which shall
3 be called last.

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

17 45. On all roll calls of the yeas and nays when the voting
18 machine is not used, and before the result is announced, the Clerk
19 shall at the request of any member read either the names of those
20 who voted yea or of those who voted nay, whichever is the smaller
21 number, and the names of those absent and not voting, if any, and
22 shall announce that all others voted either yea or nay, whichever
23 is the larger number. In the event of a tie vote, the Clerk shall
24 upon such request read the names of those who voted yea and the

1 names of those absent and not voting, if any, and shall announce
2 that all others voted nay. At that time any member shall have the
3 right to correct any mistake committed in enrolling his or her
4 name. The vote then shall be announced and the count entered on
5 the Journal.

6 45a. The voting machine may be used in taking the yeas and nays
7 on any question. It may also be used for quorum calls and for
8 determining the result when a division is demanded. When the
9 machine is used for calling the attendance roll, a member shall
10 indicate "present" by use of the green "yea" button.

11 When a vote is to be taken on the voting machine, the
12 President shall announce the question to be voted upon and direct
13 the Clerk to prepare the machine. When the machine is ready for
14 voting, the President shall state, "The members will now vote."
15 After reasonable time has been given for all members to vote, the
16 President shall ask, "Have all members voted?" After a brief pause,
17 the President shall direct the Clerk to close the machine and
18 ascertain the result. The Clerk shall hand the record of the vote
19 to the President who shall promptly announce the result. Voting
20 shall be continuous and shall be permitted until the result thereof
21 is announced by the President: *Provided*, That any vote cast after
22 the machine has been closed shall be stated by the President as
23 having been cast and such shall be entered on the Journal:
24 *Provided, however*, That no vote may be cast after the vote has been

1 announced.

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

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

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

10 MESSAGES

11 46. The Clerk of the Senate may interchange messages with the
12 Clerk of the House of Delegates during sessions of the Senate and
13 between the hours of adjournment and that of meeting on the
14 following legislative day.

15 47. Messages may be received in any stage of business except
16 when a question is being put by the President, while the yeas and
17 nays are being called by the Clerk or while the votes are being
18 counted.

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

23 JOURNAL

24 49. The Journal of the Senate shall be daily drawn up by the

1 Clerk and shall be read, corrected and approved the succeeding day.
2 It shall be printed under the supervision of the Clerk and
3 delivered to the members without delay. After the printed Journal
4 has been approved and fully marked for corrections, the type from
5 which it was printed shall be changed in accordance therewith, and
6 from the type so corrected shall be printed the number of copies
7 required by law for the regular bound volumes of the Journal. In
8 addition thereto ten copies shall be printed on 6 x 9 heavy weight
9 bond paper with a certificate at the end thereof signed by the
10 President and Clerk of the Senate certifying that the same is the
11 Official Journal of the Senate. They shall be bound in flexible
12 binding and bear the imprint on the back, "Official Journal of the
13 Senate of West Virginia", with designation of regular or
14 extraordinary session and the year. After being signed by the
15 proper officers, two of these copies shall be retained in the
16 office of the Clerk, one copy shall be lodged in the office of the
17 Governor, one with the Secretary of State, one with the Division of
18 Archives and History and one with the Clerk of the House of
19 Delegates.

20 ABSENCE OF MEMBERS

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

1 POWER OVER MEMBERS

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

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

10 POWER OVER OTHERS

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

17 GUESTS AND PRIVILEGE OF THE FLOOR

18 54. No person except members of the House of Delegates, former
19 members of the West Virginia Legislature who are not lobbyists,
20 duly accredited representatives of the press, radio and television
21 and legislative officers and employees engaged in the proper
22 discharge of their duties shall be admitted within the Senate
23 Chamber while the Senate is in session. The rear or east balcony
24 of the Senate Chamber shall be reserved for guests of the members

1 of the Senate, and admission thereto shall be by pass signed by the
2 President and the member seeking admission of the guest.

3 LOBBYING

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

11 56. Repealed by S. R. 16, February 1, 1978.

12 NOMINATIONS AND CONFIRMATIONS

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

18 When considering and acting on the nominations of the
19 Governor, the Senate shall be in open session. The voting on each
20 nomination shall be by yeas and nays. The result of Senate action
21 upon any nomination by the Governor shall be forthwith certified to
22 the Governor in a formal communication signed by the President and
23 attested by the Clerk.

24 57a. The phrase "next meeting of the Senate" contained in

1 article seven, section nine of the Constitution of West Virginia
2 means any time the full Senate is convened and includes, but is not
3 limited to, any regular session, any extraordinary session called
4 during any recess or adjournment of the Legislature, during any
5 impeachment proceeding or any time the Senate is convened pursuant
6 to section ten-a, article one, chapter four of the code of West
7 Virginia.

8 CONSTITUTIONAL AMENDMENT

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

15 ADJOURNMENT

16 59. When the Senate adjourns each day, it shall stand
17 adjourned to 2 o'clock P.M. the next day, unless the Senate directs
18 otherwise by a vote of a majority of the members present, and every
19 member shall keep his or her seat until the President leaves the
20 chair.

21 AMENDING RULES

22 60. All propositions to amend these standing rules or any
23 order of the Senate shall be by resolution and be at once referred,
24 without debate, to the Committee on Rules and shall be reported

1 therefrom within seven legislative days. Any such resolution may
2 be adopted by a majority vote.

3 SUSPENSION OF RULES OR ORDER

4 61. No standing rule or order of the Senate shall be suspended
5 except by a vote of two thirds of all the members of the Senate
6 present.

7 PARLIAMENTARY PROCEDURE

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

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