

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fifth Legislature
First Regular Session

Held at Charleston
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January 13, 2021
ORGANIZATIONAL DAY

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

Charleston, Wednesday, January 13, 2021

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, Members elected to the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable Bill Anderson, the Delegate from the 8th Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate Anderson then assumed the Chair.

Prior to the Prayer a moment of silence was held in memory of Assistant Doorkeeper Robert Kees.

Prayer was offered by the Honorable Jonathan Pinson, a Delegate-elect from the 13th Delegate District.

The House of Delegates was then led in recitation of the Pledge of Allegiance by the Honorable Johnnie Wamsley, the Delegate-elect from the 14th District.

The Honorable Mac Warner, Secretary of State, presented a communication which was received and laid before the House, containing the official returns of the election held on the 3rd day of November, 2020, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

Delegates Elected

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

First District

Pat McGeehan

Mark P. Zatezalo

Second District

Phillip E. Diserio

Third District

Shawn Fluharty

Erikka Storch

Fourth District

Charlie Reynolds

Lisa Zukoff

Fifth District

Dave Pethtel

Sixth District

David Kelly

Seventh District

Trenton Barnhart

Eighth District

E. W. "Bill" Anderson, Jr.

Ninth District

Shannon Kimes

Tenth District

Roger Conley

Vernon Criss

John R. Kelly

Eleventh District

Riley Keaton

Twelfth District

Steve Westfall

Thirteenth District

Joshua Kurt Higginbotham

Jonathan Pinson

Fourteenth District

Johnnie Wamsley

Fifteenth District

Geoff Foster

Sixteenth District

Sean Hornbuckle

Daniel Linville

John Mandt

Seventeenth District

Chad Lovejoy

Matthew Rohrbach

Eighteenth District

Evan Worrell

Nineteenth District

Derrick Evans

Ric Griffith

Twentieth District

Nathan Brown

Twenty-first District

Mark Dean

Twenty-second District

Joe Jeffries

Zach Maynard

Twenty-third District

Josh Holstein

Twenty-fourth District

Jordan Bridges

Margitta Mazzocchi

Twenty-fifth District

Tony Paynter

Twenty-sixth District

Ed Evans

Twenty-seventh District

Joe Ellington

Marty Gearheart

Doug Smith

Twenty-eighth District

Roy G. Cooper

Jeff Pack

Twenty-ninth District

Brandon Steele

Thirtieth District

Mick Bates

Thirty-first District

Chris Toney

Thirty-second District

Tom Fast

Austin Haynes

Kayla Kessinger

Thirty-third District

Roger Hanshaw

Thirty-fourth District

Brent Boggs

Thirty-fifth District

Moore Capito

Larry Pack

Doug Skaff Jr.

Kayla Young

Thirty-sixth District

Jim Barach

Chris Pritt

Larry Rowe

Thirty-seventh District

Mike Pushkin

Thirty-eighth District

Dianna Graves

Thirty-ninth District

Dana Ferrell

Fortieth District

Dean Jeffries

Forty-first District

Heather Tully

Forty-second District

Barry Bruce

Todd Longanacre

Forty-third District

Ty Nestor

Cody Thompson

Forty-fourth District

Caleb Hanna

Forty-fifth District

Carl Martin

Forty-sixth District

Adam Burkhammer

Forty-seventh District

Chris Phillips

Forty-eighth District

Danny Hamrick

Laura Kimble

Ben Queen

Clay Riley

Forty-ninth District

Amy Summers

Fiftieth District

Joey Garcia

Phil Mallow

Guy Ward

Fifty-first District

Barbara Evans Fleischauer
 Evan Hansen
 Joe Statler
 Daniel Walker
 John Williams

Fifty-second District

Terri Funk Sypolt

Fifty-third District

Buck Jennings

Fifty-fourth District

John Paul Hott II

Fifty-fifth District

Bryan Ward

Fifty-sixth District

Gary G. Howell

Fifty-seventh District

Ruth Rowan

Fifty-eighth District

George Miller

Fifty-ninth District

Ken Reed

Sixtieth District

Don Forsht

Sixty-first District

Jason Barrett

Sixty-second District

Chuck Horst

Sixty-third District

John Hardy

Sixty-fourth District

Eric L. Householder

Sixty-fifth District

Wayne Clark

Sixty-sixth District

Paul Espinosa

Sixty-seventh District

John Doyle

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

**Messages from the Executive
and Other Communications**

The following communication was read by the Clerk:

STATE OF WEST VIRGINIA
HOUSE OF DELEGATES
West Virginia Legislature

January 9, 2021

The Honorable Jim Justice
Governor, State of West Virginia
Office of the Governor
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

I hereby resign as a member of the West Virginia House of Delegates, effective immediately.

Sincerely,

Delegate Derrick Evans
19th District

* * * * *

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

Anderson	Forsht	Kimble	Rohrbach
Barach	Garcia	Kimes	Rowan
Barnhart	Gearheart	Linville	Rowe
Barrett	Graves	Longanacre	Skaff Jr.
Bates	Griffith	Lovejoy	Smith
Boggs	Hamrick	Mallow	Statler
Bridges	Hanna	Mandt	Steele
Brown	Hansen	Martin	Storch
Bruce	Hanshaw	Maynard	Summers
Burkhammer	Hardy	Mazzocchi	Sypolt
Capito	Haynes	McGeehan	Thompson
Clark	Higginbotham	Miller	Toney
Conley	Holstein	Nestor	Tully
Cooper	Hornbuckle	Pack, J.	Walker
Criss	Horst	Pack, L.	Wamsley
Dean	Hott	Paynter	Ward, B.
Diserio	Householder	Pethtel	Ward, G.
Doyle	Howell	Phillips	Westfall
Ellington	Jeffries, D.	Pinson	Williams
Espinosa	Jeffries, J.	Pritt	Worrell
Evans	Jennings	Pushkin	Young
Fast	Keaton	Queen	Zatezalo
Ferrell	Kelly, D.	Reed	Zukoff
Fleischauer	Kelly, J.	Reynolds	
Fluharty	Kessinger	Riley	

The roll call disclosing that 98 Delegates had answered to their names, the Presiding Officer declared the presence of a quorum.

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 Tim Armstead, 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-fifth Legislature and stated that nominations were now in order.

MAJORITY NOMINATION

Delegate Kessinger, a Delegate from the 32rd Delegate District, nominated the Honorable Roger Hanshaw from the 33rd Delegate District, as follows:

DELEGATE KESSINGER. I'm the oldest of six so generally I can speak pretty loudly, but so, to make sure everybody can hear me today I'll go ahead and use the mic. But first of all, I'd just like to go ahead and just congratulate each and every one of you on your successful elections. You've been able to convince enough people in your district to place their trust in you for the next two years, and I want to take this opportunity to remind you that your most important title is not that of Delegate, or honorable so and so, or Minority Leader, Speaker, or Assistant Majority Leader, or whatever, it's that ... it's that of servant. And that our first priority should be to be public servants to the people that we represent.

So, six years ago, I was sitting in this chamber as a newly elected freshman Delegate. I was a 21 year old college student who was starting my first foray into politics, and I was excited, anxious and nervous, all at the same time, much like many of you are today. And one the first people I meet in my freshman class was Roger Hanshaw. It didn't take me long to see exactly what kind of man Roger was. As I've watched Roger serve in every capacity from newly elected Delegate to Caucus Chair, to Vice Chair of Judiciary, and most recently as Speaker of the House, I have witnessed a man who has not allowed the promotions he's received to change his character and to change who he is. He isn't driven by pursuit of power or a desire for authority, but by a commitment to make West Virginia better. The same qualities Roger possessed six years ago are the same qualities he possesses today.

The first thing that stood out to me about the Speaker is more than likely the first thing that stood out to you, his intelligence. Speaker Hanshaw is a man that determines diligent ... that demonstrates diligence in his pursuit of truth. He doesn't waste time on finding right solutions to the wrong questions. He understands that in order to truly bring change to the State of West Virginia, and to restore West Virginia to what we all believe, we have to ask the right questions and find the right solutions to the right problems. He never stops learning and never stops listening. He refuses to doddle by majoring in the minors. And I've been in countless rooms where it is very obvious that he is by far, the smartest person in the room, but not one time in the years that I've know him has he made anyone feel as if they had nothing to contribute. Which leads me to my next point.

Roger leads with humility. He doesn't speak down to people when our Caucus, and when this body is faced with a difficult problem, and Lord knows that's almost daily, especially here recently, he doesn't isolate an issue and eat it from upon high, but he pulls people around him

who have different ideas, different opinions, come from different walks of life, and he ... he takes those into consideration when making his decisions.

I once heard that ... someone say that the best leaders are the ones that are committed to being the dumbest person in the room. For sure, for Roger, that is a very difficult task. But I have never experienced leadership like ... like Speaker Hanshaw's and that ... and that he actively pursues the input of those who trust in his leadership.

One of the most important qualities that any leader can possess is that of integrity. Roger's character is not only that of a good leader, but of a truly good man. He's the same person inside this building that he is outside of this building and he isn't consumed by ambition but understands that true leadership is actually servanthood. He's committed to a life of service. Serving the people of his district as their Delegate and the people of this body as our Speaker, and does so with the utmost excellence.

Scripture tells us that without vision the people perish and if Roger is nothing else, he is a man of vision. From day one, Roger's vision has been to make West Virginia a better place to live, work and raise our families. And I'm convinced that each morning he wakes up and asks himself how he can accomplish that goal. If you spend even just a moment speaking to him, you understand that his purpose behind running for Speaker is that not ... is not that of building his own empire, or even to make a name for himself, but is exactly what it should be, to restore life to the place we all call home.

Like all of us, the Speaker loves this state. He's committed to doing whatever it takes to make West Virginia a place that his two little girls are proud to call home. He's a man that could go anywhere in the world and do literally anything he wanted and yet he consciously chooses to call West Virginia home, and to serve the people of this state. And to do everything he possibly can to help them out and state reach our full potential.

I am incredibly thankful to serve as a member of this body and I'm even more thankful that we have a leader who we can follow and confidently place our trust in. It is for these reasons, and countless more, that I am honored to nominate Roger Hanshaw to continue serving as the Speaker of the West Virginia House of Delegates.

* * * * *

The nomination of Delegate Hanshaw was seconded by the Honorable Jeff Pack of the 28th Delegate District, with the following remarks:

DELEGATE J. PACK. Thank you, Mr. Speaker, and good morning friends. My very first term in the House of Delegates I was seated in the second row in the majority side. The Vice Chair of the Committee of the Judiciary sat directly to my right, that's when I first met Roger Hanshaw. I recognized very quickly what an exceptionally talented, smart and special individual he is. Roger and I became close friends over that session, and I learned first-hand not only of his leadership ability, but of his ability to break the most complex issues down into ideas the rest of us can understand.

He also took the time to mentor me and never hesitated to answer all of my mundane parliamentary questions. You know, our ... our tenure in the Legislature we'll encounter thousands and thousands of people. Roger once told me that of the myriad of folks you encounter during your service in this body, consider yourself lucky if you're able to become

close friends with just two or three of those people. For me, Roger Hanshaw is one of those people and I'm proud to call him my very dear friend.

When Speaker Armstead announced that he would not be seeking reelection, Roger Hanshaw was my first and only choice to serve as Speaker of the House. He was my only choice then and he's my only choice now. Therefore, Mr. Speaker, it is my honor to second the nomination of Roger Hanshaw to remain the 53rd Speaker of the West Virginia House of Delegates. Thank you, Mr. Speaker.

MINORITY NOMINATION

Delegate Boggs, 34th Delegate District, then nominated the Honorable Doug Skaff Jr., a Delegate from the 35th Delegate District, as follows:

DELEGATE BOGGS. Good morning Delegates and thank you, Mr. Chairman, my dear friend from Wood County. And to my dear friend, the gentleman from Clay. And, to the distinguished friends and colleagues here in the House of Delegates returning and new.

We assemble here today in our beautiful and historic Capitol to comply with the West Virginia Constitution in selecting our new leader for the upcoming legislative session. It is my distinct pleasure to nominate the Gentleman from the 35th District, Delegate Doug Skaff, for the Office of Speaker of the House of Delegates for the 85th West Virginia Legislature.

Delegates, we have an historic challenge facing the citizens we represent and a responsibility more than ever before, to work in a bi-partisan manner. Words like consensus and compromise need to become part of our legislative vocabulary again for they are not words of weakness, but the hallmark of statesmanship and leadership. If we've learned any lessons in the past week, this very tenant should be in the forefront of our thoughts and deeds.

Doug is a leader that will listen to all sides. Empathy and compassion for those hurting and disenfranchised. Bringing industry, business, and labor together, representing all viewpoints to forge legislative initiatives by consensus in a bi-partisan manor and lasting benefit of all of our citizens.

Doug Skaff has spent his legislative and professional career working diligently and effectively to find consensus on legislation and to help solve problems that face our citizens across the many regions of our state. He is a successful businessman that cares deeply for the ever worsening plight of our small businesses exacerbated by the ravages of the pandemic. His work ethic is unquestioned. His generosity and willingness to support initiatives that affect seniors, children and women is notable and his devotion to our teachers, school personnel and higher education has been the hallmark of his legislative career.

Most important to me, Doug is a devoted husband and father of three boys. Faith, family, and a deep abiding love for West Virginia drives him to make our state a better place, a welcoming place, a healthy place, a prosperous place for businesses to flourish, and jobs and opportunities for working families to live and prosper.

Doug, in my quarter century of legislative service I've had the honor to hold several leadership positions. And in that time, I've observed hundreds of members, good and

dedicated members of our citizens Legislature, come and go from both sides of the aisle. Doug Skaff placed his name in the contingent for Speaker of the House, not for title or personal gain, but to strive to bring out the very best in every member of the House, regardless of political party or ideology, using the talents of each members in a manner that will benefit West Virginia and West Virginians.

Delegates, I respectfully urge you to give every consideration supporting our colleague, Delegate Doug Skaff, for Speaker of the House of Delegates. Thank you.

The nomination of Delegate Skaff was seconded by the Honorable Lisa Zukoff of the 4th Delegate District, with the following remarks:

DELEGATE ZUKOFF. Thank you, and good afternoon. It's a pleasure to be here with everyone, especially all the newly elected representatives. I know what it's like to be in your seat, this is only my second term, so welcome to everyone. You've taken on an awesome responsibility to serve the district that you ... that you represent and that you'll be open and... I hope everyone will be open to all those folks. And I know that you will. This is a big day in our life, congratulations.

I'm here to second the nomination of Doug Skaff for Majority Leader in West Virginia, and I am really pleased to have served with Doug. Doug is one of those people when I came in you're always looking for someone to help you take on ... answer some questions, know what to do and where to go, and he kinda took me under his wing when he came in and I was always very appreciative of that.

I've seen Doug also work in cooperation with other folks to come up with the best solutions for the issues that we've been working on. Most importantly in my mind, he listens to other folks. He doesn't think he's always correct. He is always open to other ideas and he's always open to making things better, be it legislation, be it the leadership in our ... in our caucus. And I'm ... For those reasons I was happy to support him for ... for his position.

Doug is also, as Delegate Boggs said, a family man. If you ever have the opportunity to meet his three little boys, you will wonder how he can get anything else done. He is blessed and a family man and we're happy to have him in our caucus. And for those reasons and many others, I'm happy to second the nomination for Doug Skaff as Majority Leader. Thank you.

* * * * *

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

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

Delegates voting for Delegate Hanshaw – 76, as follows:

Anderson	Graves	Kimes	Reynolds
Barnhart	Hamrick	Linville	Riley
Barrett	Hanna	Longanacre	Rohrbach
Bates	Hardy	Mallow	Rowan
Bridges	Haynes	Mandy	Skaff
Bruce	Higginbotham	Martin	Smith
Burkhammer	Holstein	Maynard	Stater
Capito	Horst	Mazzocchi	Steele
Clark	Hott	McGeehan	Storch
Conley	Householder	Miller	Summers
Cooper	Howell	Nestor	Sypolt
Criss	Jeffries, D.	Pack, J.	Toney
Dean	Jeffries, J.	Pack, L.	Tully
Ellington	Jennings	Paynter	Wamsley
Espinosa	Keaton	Phillips	Ward, B.
Fast	Kelly, D.	Pinson	Ward, G.
Ferrell	Kelly, J.	Pritt	Westfall
Forsht	Kessinger	Queen	Worrell
Gearheart	Kimble	Reed	Zatezalo

Delegates voting for Delegate Skaff - 22 as follows:

Barach	Fleischauer	Hornbuckle	Walker
Boggs	Fluharty	Lovejoy	Williams
Brown	Garcia	Pethtel	Young
Diserio	Griffith	Pushkin	Zukoff
Doyle	Hansen	Rowe	
Evans	Hanshaw	Thompson	

The total number of votes cast being 98, the Presiding Officer stated that the Honorable Roger Hanshaw of the 33rd Delegate District had received 76, and the Honorable Doug Skaff of the 35th Delegate District had received 22, and declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Kessinger, J. Pack and Skaff as a committee to escort the Speaker to the Clerk's Desk.

The committee then escorted the Speaker to the Clerk's Desk.

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

DELEGATE SKAFF. I want to be the first to congratulate our next Speaker for the upcoming session. Let's give him another round of applause, to our next Speaker, Roger Hanshaw.

As tradition, I'd like to say a few remarks about our upcoming Speaker. And, when given the opportunity to have remarks by members I thought I would take it one more time, just to be safe.

I met Roger a couple of years ago. And on my first day here, I haven't met a much more honorable man, a more honest man and a more respected man than this gentleman right here. I'm honored to call him a friend. I'm honored to call him a leader and I'm honored to call him one of us. You know it's an honor to be one of a hundred people to serve in this House Chamber, under this dome. Under this beautiful dome.

The campaigns are over. Let's put the rhetoric aside. It's time to come together, not as Democrats, not as Republicans, but as you know, as West Virginians, as Delegates. Every day we wake up together and look in that mirror, we come here ready to roll up your sleeves, work hard, put our ... put our differences aside and do what's right to move West Virginia forward.

And I know we can't forget what happened last week, and everyone says that wasn't us. Well, it was us and it did happen in America. And it's up to us to be better leaders, better people, and better citizens, not only of West Virginia, but our country. So together, I am honored again, to recognize our next Speaker. It's time to come together as one. Let's work to make West Virginia a better place to live, work and raise a family under Speaker Hanshaw. Thank you very much.

The Speaker then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members rising)

The Speaker then addressed the House as follows:

MR. SPEAKER, MR. HANSHAW. Ladies and gentlemen, good afternoon. And first, congratulations to every member of this body for having earned the trust and confidence of the voters of your districts. For having earned the confidence of 1.8 million people to send each of us here again to chart a course of leadership and progress for our state. We are assembling in extraordinary times. We are called together here as a deliberative body in extraordinary circumstances. And it's appropriate that we give pause and reflect on where we are, how we got here and what our service means.

What our service means, not only to each of us as friends and colleagues, but what our service means to the State of West Virginia. To each of the 18,500 men and women that we each represent. And to the future of our state. And to the future of West Virginia because each one of us, each member of this body, represent communities, represent families, represent homes, represent jobs, represent businesses, represent churches, represent synagogues, represent communities of all like. And we have an obligation to create the best West Virginia we can create. We have an obligation to make West Virginia the single greatest place we can make it to live, work and raise our families.

You just saw my family. You just saw my wife Kirsten and our two little daughters, Kathryn and Rebecca. I want to pause now to thank them for the support they've shown me over the last two years during the opportunity that this body gave me to serve as Speaker.

It was certainly the highlight of my professional career two years ago, having been selected as Speaker of this body, by this House. It's ... It's an even greater ... it's an even greater honor today and I thank you for that. I appreciate the confidence and trust you've placed in me, but I ask today that we place that same level and trust in each other. Because we are assembled in extraordinary times.

The Gentleman from the 34th, Delegate Boggs, and I are good friends. We represent the same area. We talk often. And today, Delegate Boggs used words like statesmanship and leadership in his comments. Today in his comments, the Minority Leader, the honorable Gentleman from the 35th, Delegate Skaff, laid out his view of our obligation as Delegates. Our role as leaders. Our obligation to make West Virginia an easier choice. To make West Virginia an easier choice. Because, make no mistake ladies and gentlemen, the spotlight of the world is shining on West Virginia for reasons we didn't necessarily choose. The spotlight of the world shines on West Virginia. We have an opportunity now to take ... to take advantage of that spotlight. We have an opportunity now to create a West Virginia that people want to choose.

We can't forget the events of the last year. Since we've been assembled together our state, our country, our world has changed in ways that none of us here could have imagined in March of 2020, when last this body was assembled. We have lost friends, we have lost neighbors, we have lost businesses, we have lost jobs and we have lost over 1500 of our friends and family members to the coronavirus pandemic.

But, in the eye of that storm is opportunity. In the eye of that storm is opportunity because nationally, nationally, men and women have begun to recognize what we have known for generations in West Virginia, that ours is a state of opportunity. That ours is a land where people can come and create a business, where people who have the opportunity to work remotely who have the opportunity to pick up their job and take it wherever they choose, can bring it here.

I know that most of the shared priorities we have as 100 members of this body, are all things that would make it easier to choose West Virginia. So, my personal priority for this Legislature is that we move forward on priorities that will collectively help us make it easier to choose West Virginia. Help make it easier for all those who are looking for a new place. A place to create a better life for their friends, their families, their businesses to choose. We can do that. We can do that by working collectively together.

If two years ago ... two years ago on the opening day of this Legislature, the Gentleman from the 1st, Delegate McGeehan, asked each of us to reflect on the concept of charity. Asked each of us to reflect on the concept of how we relate one to another. How we as members of this body best advance the collective goals we have to make our state the best place we can make it to live, work and raise a family. To make our state the easiest choice we can make it for people who are considering West Virginia from elsewhere and for our own friends and family. Because for far too many generations now, our friends, our family, our neighbors, our children, our grandchildren have packed up and gone away. Have packed up and moved away because the opportunity wasn't here for them. I for one, am ready to commit this Legislature to helping us put West Virginia on a path to make it easier to simply choose West Virginia.

I thank you for the confidence you've placed in me today. I'll do my best not to let you down. Thank you. (Applause, the members rising)

The Speaker then assumed the Chair.

* * * * *

ELECTION OF CLERK

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

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

DELEGATE FAST. Thank you, Mr. Speaker. Ladies and gentlemen, I'd like to recognize and make a nomination for a gentleman, Stephen J. Harrison, who truly does not recognize his own strength.

Stephen J. Harrison was born October 25, 1966, in Charleston, West Virginia. His parents are John and Gail Harrison; his wife, Kristen Elizabeth; children, Benjamin Trey and Maggie Joy. He's a graduate from Brown University; former Vice President of Poca Valley Bank; former Assistant Track and Field Coach, West Virginia Wesleyan College; former member, Flinn Elementary Local School Improvement Council; District 1 All...Academic All-American in college football, 1989; Ivy All-Stars, 1989 Epson Ivy Bowl; former Chairman Legislative Prayer Breakfast Committee; Co-Chairman, House Freshman Caucus 71st Legislature.

Mr. Harrison was elected to and served as Delegate to the West Virginia House of Delegates from 1992 to 2000. He was elected to the West Virginia Senate 2002. He was elected to the House Clerk position January 2015, re-elected January 2017, again re-elected January 2019. He is the 23rd Clerk of the West Virginia House of Delegates.

Mr. Harrison served as Delegate to the 2008 National Republican Convention. He served as former intern, Governor's Office of the Community and Industrial Development. Mr. Harrison is a Christian. And I would like to say that Stephen J. Harrison knows his job as Clerk. He is a ... he is a wealth of information. He is a go-to person. He understands the rules, and ladies and gentlemen, it is my distinct honor to nominate Stephen J. Harrison for Clerk of the West Virginia House of Delegates 85th Legislature. Thank you.

The nomination was seconded by Delegate Dean Jeffries of the 40th Delegate District, with the following remarks:

DELEGATE D. JEFFRIES. Thank you, Mr. Speaker. Ladies and gentlemen of the House, on behalf of Steve's wife Kristen, I'm pleading with you to please intervene on a very serious issue. Electing Steve Harrison as Clerk may very well be the only thing keeping him from a downward spiral from an illustrious college football career to selling shoes.

Now, I'm not referring to a Colin Kaepernick journey that would lead to millions of dollars in selling Nike. I'm referring to an Al Bundy tragedy of selling shoes to complete strangers while reminiscing the time he kicked eight field goals in the Ivy Bowl.

All joking aside, Steve Harrison is a great man. A man of faith, integrity and honor. He is a standard bearer for the Legislature as a whole. It is my honor to second the nomination for Clerk. Thank you, Mr. Speaker.

There being no further nominations, Delegate Fast moved that nominations be closed.

In the absence of objection, nominations were closed and the Speaker put the following question before the House, "Shall Stephen J. Harrison be elected Clerk of the House by acclamation?"

The Speaker declared the motion adopted and Stephen J. Harrison was hereby elected Clerk of the House by acclamation. (Applause, the members rising)

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

ELECTION OF SERGEANT-AT-ARMS

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

Delegate David Kelly, the Delegate from the 6th Delegate District, nominated Marshall Clay, of the County of Fayette, as follows:

DELEGATE D. KELLY. Thank you, Mr. Speaker, and congratulations, again. I remember when I was here two years ago as a freshman and I was scared to death. I knew I was going to say something wrong; I was going to push the wrong button. I was ... to the freshman in here I want to say something that the Speaker said to us two years ago, you're leaders or you wouldn't be here. So, congratulations to you, welcome to this esteemed House.

But I want to remind you that it's not just us who are the leaders. There has to be formality, there has to be certain things in place. And a couple of years ago when we desperately needed rest and order restored in this House, we didn't have to look very far. Leadership only needed to look to Marshall Clay, and he returned at a time when we desperately needed him.

And so, I want to say to you that problem solvers are everywhere in this building. Sergeant-of-Arms is a problem solver. If you've got a question, that man has the answer. If he doesn't have the answer, he'll find it for you. That's the kind of man we've got working for us at the back door. That's the kind of man who came by your desk and picked up your paper, your oath of office. He doesn't ask his people to do one thing that he wouldn't do. I'm honored to call him my friend. I'm honored to see him every time I'm down here, and it is my ... my honor, Mr. Speaker, to nominate Marshall Clay Sergeant-of-Arms. Thank you.

The nomination was seconded by Delegate Dean of the 21st Delegate District, with the following remarks:

DELEGATE DEAN. Thank you, Mr. Speaker. It's my pleasure to second the nomination of Marshall Clay for the Sergeant-at-Arms for the 85th Legislature. This session will bring never before seen obstacles. Marshall has the calm and assertive demeanor that will guide us through these hectic times. I'd ask that everyone support this nomination of Marshall for the position of Sergeant-at-Arms for the 85th Legislature. Thank you.

There being no further nominations, on motion of Delegate D. Kelly, nominations were closed.

Delegate D. Kelly then moved that Marshall Clay be elected by acclamation.

In the absence of objection, the Speaker put then the question before the House. The motion was adopted and the Speaker declared Marshall Clay elected Sergeant-at-Arms by acclamation. (Applause, the members rising)

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

ELECTION OF DOORKEEPER

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

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

DELEGATE CAPITO. Thank you very much, Mr. Speaker. And good afternoon colleagues and welcome to all those newly elected in this body. It is an honor to be able to sit with you today and I look forward to serving with each and every one of you.

It's my distinct honor today to place a nomination for Doorkeeper of this body, Robert W. Stewart. Robert has previously served in this role and we thank him for his past service, and we look forward to what would be forward service from here on out. We also thank him for his service to our country. Robert is a veteran, and so we also thank him for his service to our country. He's a native Kentuckian and I'm sure he started seeing the light in early ages from across the border and we were lucky to bring him into West Virginia. And he really recognized the brightest light in this state, of course, which is Kanawha County, of which he is a citizen, and we are happy that he is.

You know I would say to you today that ... and most of those of you that are new, one of the best things that you can do, I think, in this body early on, is get to know all of the doorkeepers. They look out after each and every one of us. They protect this House. And, often times, often times, they know more about each and every one of these bills than any of us do. So, you might heed their advice and their opinion. They are our constituents; they do a wonderful job. Mr. Speaker, it's my distinct honor to place Robert W. Stewart in nomination for Doorkeeper. Thank you.

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

DELEGATE WESTFALL. Thank you, Mr. Speaker. It is my honor to second the nomination for Robert Stewart for Doorkeeper. Robert was first nominated and elected Doorkeeper in January 2019, as the 55th Doorkeeper of the House of Delegates.

As Delegate Moore said, the newbie's here, get to know all the Doorkeepers, the Sergeant-at-Arms, the staff and everything. They're of great benefit, they do a great job, they're great friends. So, it's my honor to second the nomination of Robert Stewart as Doorkeeper.

There being no further nominations, Delegate Capito moved that nominations for Doorkeeper be closed and that Robert Stewart be elected by acclamation.

In the absence of objection, the Speaker put the question before the House and declared Robert Stewart elected Doorkeeper by acclamation. (Applause, the members rising)

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

* * * * *

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

Whereupon,

The Speaker appointed as members of such committee:

Delegates Graves, Gearheart and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-fifth 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 Rowan, Phillips and Lovejoy.

* * * * *

Resolutions Introduced

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

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 3rd day of November, 2020, as provided by Sec. 3, Article VII of the Constitution.

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

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

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. C. R. 2 - "Providing for an adjournment of the Legislature until February 10, 2021."

Whereas, The first regular session of the 85th Legislature assembled on this date, the second Wednesday in January, 2021, 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 3rd day of November, 2020, 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 10, 2021, at 12 o'clock meridian.

At the request of Delegate Summers, 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.

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

At 1:18 p.m., on motion of Delegate Summers, the House of Delegates recessed until 1:30 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Senate

A message from the Senate, by

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

H. C. R. 1, 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, Providing for an adjournment of the Legislature until February 10, 2021.

A message from the Senate, by

Senator Nelson, of the committee of three from the Senate, announced that the Senate had organized and was ready to proceed with the business of the legislative session.

JOINT ASSEMBLY

The Speaker welcomed 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 and the President of the Senate took the seat to the right of the Speaker.

RETURNS OF ELECTIONS

The Honorable Mac Warner, 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 3rd day of November, 2020, for Governor and other constitutional officers, in accordance with Section 3, Article VII of the Constitution of the State:

Jim Justice	as Governor	784,287 ballots cast
Mac Warner	as Secretary of State	768,187 ballots cast
Riley Moore	as Treasurer	756,061 ballots cast
John “JB” McCuskey	as Auditor	741,272 ballots cast
Patrick Morrissey	as Attorney General	764,048 ballots cast
Kent Leonhardt	as Commissioner of Agriculture	739,298 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, 2021.

JIM JUSTICE, GOVERNOR

MAC WARNER, SECRETARY OF STATE

RILEY MOORE, STATE TREASURER

JOHN “JB” MCCUSKEY, AUDITOR

PATRICK MORRISSEY, ATTORNEY GENERAL

KENT LEONHARDT, COMMISSIONER OF AGRICULTURE

* * * * *

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

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.”

Adopting joint rules of the Senate and House of Delegates.

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates governing the eighty-fourth Legislature are hereby adopted to govern the proceedings of the eighty-fifth Legislature, subject to subsequent amendment.

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

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

A message from the Senate, by

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

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

Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-fifth Legislature.

Resolved by the Legislature of West Virginia:

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

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

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

Resolutions Introduced

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 1 - “Adopting Rules of the House of Delegates.”

Resolved by the House of Delegates:

That Rules of the House of Delegates for the 85th 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 by Roll Call Vote to Elect Officers

2. In the election of officers by the House, the vote shall be given by ~~roll call~~ calling of the roll, 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. If there is only one nominee, the vote may be done by acclamation. No question before the House, or in committee of the whole, shall be voted on by ballot. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Clarified that the election of officers is to be done verbally.

DUTIES AND RIGHTS OF THE SPEAKER**Call to Order**

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

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

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

Preservation of Order

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

Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair, except as otherwise provided by these rules or

other rules applicable to the proceedings of the House. When two or more members seek recognition at the same time, he shall name the one entitled to the floor. (HR1, Reg. Sess., 2019)

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

Questions of Order

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

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

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

Preserving Order in Galleries

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

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

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

8. The Speaker shall appoint a Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided*, That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however*, That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: ~~*Provided further*, That the Speaker pro tempore or any other member hereunder designated shall so preside for a period not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House.~~ (HR20, Reg. Sess., 1979; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Deleted the proviso that read "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."

Appointment of House Employees

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

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

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

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

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

The compensation of all employees shall be fixed by resolution during each regular session. The Speaker may hire, discharge and adjust salaries of employees subsequent to the adoption of the resolution ~~as allowed by this rule.~~ (HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR2, Reg. Sess., 1971; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

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 "attachés" 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.

Effect of the 2021 amendment. Deleted the words "as allowed by this rule" at the end of the last paragraph.

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 Chair of the Committee on Rules

11. The Speaker shall be an *ex officio* a voting member and ~~chairman~~ Chair of the Committee on Rules. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Technical cleanup.

Acts and Writs Signed by the Speaker

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

Putting Questions

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

Vote of the Speaker

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

CLERK, SERGEANT-AT-ARMS AND DOORKEEPER

CLERK

Examination of Journal

15. It shall be the duty of the Clerk to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected. (HR1, Reg. Sess., 2017)

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

Charge of Clerical Business of House

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

Duties of Clerk

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

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

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

Clerk to Have Custody of All Records

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

Appointment of Assistants

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

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

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

Clerk to Have Charge of All Printing

20. The Clerk shall have supervision and charge of all printing done for the House and the printer shall print only such documents and other matter as the Clerk authorizes. The Clerk is authorized to correct errors and omissions prior to the final printing of legislative documents or publications. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Added language to clarify that the Clerk can correct errors and omissions.

Payment for Printing

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

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

SERGEANT- AT-ARMS

Duties

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

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

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

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

DOORKEEPER

Duties

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

RIGHTS AND DUTIES OF MEMBERS

Absence From the House

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

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

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

Every Member to Vote

25. Every member present when a question is put, or when his or her name is called, shall vote unless he or she is immediately and particularly interested therein, or the House excuses him or her. A motion to excuse a member from voting must be made before the House divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion may briefly state the reason therefor. (HR1, Reg. Sess., 2019)

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

Members Shall Be in Places When Voting

26. While the yeas and nays are being taken every member shall be in his or her seat, as designated by the Speaker, and during the session of the House no person other than a member shall occupy the chair of a member. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Added the words "as designated by the Speaker".

Quorum

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

When Less Than Quorum Present

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

Taking Members into Custody

29. No member of the House shall be taken into custody by the Sergeant-at-Arms, on any question of complaint of breach of privilege, until the matter is examined by the Committee on Rules, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates. (HR2, Reg. Sess., 1967)

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

Punishment of Members

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

Providing for Undisturbed Transaction of Business

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

ORDER AND DECORUM IN DEBATE

Recognition and Decorum

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

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

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

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

Recognition by the Chair

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

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

Mover of Question to Have Preference in Debate

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

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

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

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

requires it, he or she shall be liable to the censure of the House, or such other punishment as the House may properly impose.

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

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

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

Calling to Order for Words Spoken in Debate

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

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

Decorum During Debate

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

Limitation on Debate

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

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

Members Not to Be Disturbed While Speaking

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

Speaking Before Negative is Put

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

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

PUTTING QUESTIONS AND VOTING

Putting Questions; Division

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

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

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

Yeas and Nays

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

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

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

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

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

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

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

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

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

Pairs

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized ~~unless made in person by the member signing the same, nor~~ unless one or both of the parties thereto are absent. (HR1, Reg. Sess., 2021)

Effect of the 2021 amendment. Removed the requirement that pairs must be made in person.

Division of Question

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

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

Calling of Yeas and Nays

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

Tie Vote Loses Question

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

Verification of Vote

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

Explanation of Vote

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his

vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes. A member may indicate in writing to the Clerk how the member voted on a voice vote or, if absent when any vote is taken, indicate in writing to the Clerk how the member would have voted if present and it shall be noted in the Journal. (HR1, Reg. Sess., 2017)

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

When Members Not to Vote

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

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

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

Voting by Machine

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

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

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (HR1, 1st Ex. Sess., 1936; HR1, Reg. Sess., 2017)

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

MOTIONS**Stating the Question**

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

Form of Motion

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

Withdrawal of Motions

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

Order and Precedence of Motions

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

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

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

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

Motion to Adjourn

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

Motions Not Debatable

55. The following motions, and other non-debatable motions in Jefferson's Manual, shall be decided without debate and shall not be amended:

1. To adjourn.
2. To fix the time to which the House shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To limit debate.
6. To suspend the constitutional rule requiring bills to be read on three several days.
7. To recess. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Included non-debatable motions in Jefferson's Manual.

Motions Not in Order

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

Effect of Indefinite Postponement

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

Motion to Reconsider

58. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table, or for the previous question.

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

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

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

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

Debate on Motions to Reconsider

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

Reconsideration of Question Requiring More than Majority Vote

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

Effect of Motion to Table

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

Motion Must Be Germane

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

Previous Questions

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

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

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

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

MEETING OF THE HOUSE

Time of Meeting

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

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

ORDER OF BUSINESS

Daily

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

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

XIII. To act upon leave of absence for members.

XIV. Remarks by members of the House.

Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session-: Provided, That for the duration of the 2021 Regular Session of the 85th Legislature, on each day the House meets in actual session prior to the forty-seventh day of the session, the Speaker shall announce a time when the chamber of the House shall be available for remarks by members of the House if such a time is requested by a member of the House of Delegates. The House shall convene at such time to receive such remarks, and the Speaker or a designee of the Speaker shall preside. No quorum is necessary to proceed with the receipt of remarks by members of the House, and nothing herein shall prohibit committees from meeting when the House convenes solely for the purpose of remarks by members. Any member desiring to speak shall seek recognition, and upon recognition by the Presiding Officer, may speak for up to five minutes upon any topic of interest to the House. The Presiding Officer shall preserve order and decorum while the House is in session for the duration of remarks. During this designated time for receipt of remarks by members, no motion shall be in order save for a motion to adjourn remarks by members. Remarks made during the pendency of remarks by members may be entered into the appendix to the journal as provided for herein. The time allotted for remarks by members shall expire: (A) After all member desiring to speak have exhausted their allotted time; or (B) after six hours; or (C) ten p.m., whichever occurs first.

XV. Introduction of guests.

XVI. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

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

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

Effect of the 2021 amendment. Language was added to facilitate a time for Members to make remarks if requested by a Member for the 2021 Regular Session.

Recess for Introductions of Guests

65a. The House shall observe two opportunities on each day for any member, upon recognition, to introduce to the House citizens seated in the galleries. ~~No such introduction shall exceed one minute. Rules of order and decorum shall remain in force during such recess as if the House is in session-: Provided, That for the duration of the 2021 Regular Session of the 85th Legislature, members wishing guests to be introduced during these times shall submit the names of the individuals to be introduced to the Majority Leader and/or Speaker Pro Tempore who shall introduce all guests during these periods. (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)~~

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

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

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

Effect of the 2021 amendment. For the 2021 Regular Session, provided that the Majority Leader and/or Speaker Pro Tempore shall make all introduction of guests.

Priority of Business

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

Special Orders

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

Reports and Messages Receivable at Any Time

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

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

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

Consideration of Local Bills

(Rescinded by HR1, January 11, 2017)

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

Special Calendar

70. ~~Unless the House otherwise directs, the~~ The Committee on Rules shall arrange a special calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

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

The Committee on Rules shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of

votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

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

Effect of the 2021 amendment. Specified that the Committee on Rules shall arrange a Special Calendar.

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 and Manufacturing
5. Committee on Finance
6. Committee on Fire Departments and Emergency Medical Services
7. Committee on Government Organization
8. Committee on Health and Human Resources
- ~~9. Committee on Industry and Labor~~
- ~~40.~~ 9. Committee on Interstate Cooperation
- ~~44.~~ 10. Committee on the Judiciary
- ~~42.~~ 11. Committee on Pensions and Retirement
- ~~43.~~ 12. Committee on Political Subdivisions
- ~~44.~~ 13. Committee on Prevention and Treatment of Substance Abuse
- ~~45.~~ 14. Committee on Rules
- ~~46.~~ 15. Committee on Senior, Children, and Family Issues
- ~~47.~~ 16. Committee on Small Business, Entrepreneurship and Economic Development
- ~~48.~~ 17. Committee on Technology and Infrastructure
- ~~49.~~ 18. Committee on Veterans' Affairs and Homeland Security
19. Workforce Development

(HR13, Reg. Sess., 1945; HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess. 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effect of the 2021 amendment. Added "and Manufacturing" to name of the Committee on Energy and changed name of Industry and Labor to Workforce Development.

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 and Manufacturing: (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; and (e) manufacturing generally.

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

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

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

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

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

~~40~~ 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.

~~44~~ 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.

~~42~~ 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.

~~43~~ 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.

~~44~~ 13. Committee on Prevention and Treatment of Substance Abuse: Issues relating to and regarding the prevention and treatment of substance abuse.

~~45~~ 14. Committee on Rules: (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (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.

~~46~~ 15. Committee on Senior, Children, and Family Issues: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues and issues related to the welfare of children and families.

~~47~~ 16. 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.

~~48~~ 17. Committee on Technology and Infrastructure: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; (e) regulation of motor carriers of passengers and property for hire; (f) deployment, expansion, regulation and other matters related to public utility services and the internet; and (g) all matters related to the use and expansion of technology in or by the state.

~~49~~ 18. 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.

19. Committee on Workforce Development: (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) workforce development generally; and (i) infrastructure. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess., 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2015; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effect of the 2021 amendment. Added "and Manufacturing" to name of the Committee on Energy and changed name of Industry and Labor to Workforce Development and set forth their duties and jurisdiction.

Composition of Committees

78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; the Committee on Fire Departments and

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

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

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

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

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

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

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

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

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

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

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

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

Duties of Committees

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

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

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

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

When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it, ~~or at the time the bill is reported from a committee to which it has been referred,~~ he or she may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the additional committee or committees as directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. The Speaker may also, at the time a measure is reported from a committee, refer it to an additional committee. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

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.

Effect of the 2021 amendment. Clarified language regarding additional committee references at the time a measure is reported from a committee.

Reports of Committees

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

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

Discharging Committee from Consideration of Bill

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

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

Committee Meetings

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

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting

make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

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

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

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

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

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

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

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

Committee Public Hearings

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

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

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

No request for a public hearing shall require delay of committee proceedings. Upon receiving a request for a public hearing, the Chair of the Committee shall schedule and announce a hearing prior

to consideration of the measure if this does not require a delay of the proposed measure for consideration by his or her committee. In the alternative, the Chair of the Committee shall schedule a hearing prior to the measure being considered for passage on the floor.

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 however*, 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.; *Provided further*, That for the duration of the 2021 Regular Session of the 85th Legislature, the applicability of this rule is eliminated: And provided further, That for the duration of the 2021 Regular Session of the 85th Legislature, public hearings may be held by electronic means where the public may register and participate by utilizing an internet-based platform for video and audio conferencing that can be accessed across mobile, desktop, and room systems, and that can be viewed by members in real time during the public hearing and preserved as a public record by the committee conducting the hearing. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR44, Reg. Sess., 2012; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

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. Clarified 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.

Effect of the 2021 amendment. Revised the effect of a public hearing request on committee meetings and stipulated that for the 2021 Regular Session, public hearings would be held by electronic means due to the ongoing global pandemic.

Witnesses Before Committees

84a. Every committee of the House shall administer oaths to any person, except current members or employees of the West Virginia Legislature, appearing before the committee at any meeting, with the exception of a public hearing or during the deliberations of any committee. If any witness to whom

an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the ~~chairman~~ Chair and any member of the committee. The Clerk of the House, the ~~chairman~~ Chair of the committee and, in the absence of the ~~chairman~~ Chair, the ~~committee clerk~~ or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness. (HR1, Reg. Sess., 2017; HR 5, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Removed committee clerks from the list of persons authorized to administer oaths.

Committee Clerks

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

Committee Records

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

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

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

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

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

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

Committee Quorum; Subcommittees

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

Minority Views

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee. If the minority ~~or~~ of

any committee presents its recommendations after the report of the committee has already been received, it shall still be printed in the Journal. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

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

Effect of the 2021 amendment. Technical cleanup.

House Rules to Govern Committee

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

Select or Special Committees

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

Conference Committees and Reports

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

BILLS, RESOLUTIONS AND PETITIONS

BILLS AND JOINT RESOLUTIONS

Time Limit on Introducing

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the thirty-fifth day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The thirty-fifth day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. ~~When permission is requested to introduce a joint resolution or bill under provisions of this rule, duplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced.~~ (HR22, Reg. Sess., 1981; HR17, Reg. Sess., 1994; HR11, Reg. Sess., 1995; HR3, Reg. Sess., 2008; HR1, Reg. Sess., 2015; HR 1, Reg. Sess., 2017; HR1, Reg. Sess., 2021).

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.

Effect of the 2021 amendment. Removed language regarding duplicate copies.

Method of Introducing

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

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

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

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

Bill Carryover

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

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

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

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

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature,

or to any bill or joint resolution introduced during any extraordinary session. (HR2, Reg. Sess., 1988; HR12, 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~~ for Introduction

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; HR1, Reg. Sess., 2021)

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.

Effect of the 2021 amendment. Revised to remove the requirement for bills to be presented in duplicate.

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. Any fiscal note received by the House of Delegates may be reviewed by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance which may provide any additional information regarding the fiscal impact of the proposed bill or any comment on the sufficiency or accuracy on any fiscal note provided to the House of Delegates. The House Speaker or the Chair of the Finance Committee may also specifically request additional information, comment, or opinion from the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance on any fiscal note received by 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~~ chair 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; HR1, Reg. Sess., 2021)

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 chair of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested.

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

Effect of the 2021 amendment. Provides for comments on fiscal notes received by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance.

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. Any correctional system fiscal impact note received by the House of Delegates may be reviewed by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance which may provide any additional information regarding the correctional system fiscal impact of the proposed bill or any comment on the sufficiency or accuracy of any fiscal note provided to the House of Delegates. The House Speaker or the Chair of the Finance Committee may also specifically request additional information, comment, or opinion from the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance on any correctional system fiscal note received by 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~~ chair 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; HR1, Reg. Sess., 2021)

Effect of the 2005 amendment. ~~Added the last three paragraphs to the rule.~~ Required consideration of fiscal impact of proposed crime legislation.

Effect of the 2021 amendment. Provides for comments on correctional system fiscal notes received by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance.

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, or an additional committee reference is given by the Speaker. 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. (HR1, Reg. Sess., 2021)

Effect of the 2021 amendment. Clarifies that the Speaker may refer a bill to an additional committee at the time a bill is reported from committee.

Printing of Bills

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

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

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

Recommitment of Bills

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

Reading Bills

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

Bills to Have Three Readings

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

Bills - First Reading

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

Bills - Printing and Availability to Members

104. Electronic versions of all bills shall be made available promptly on the Chamber Automation System once introduced and printed version of all bills will be made available when requested from

the Legislative Print Shop. (HR31, Reg. Sess., 1971; HR4, Reg. Sess., 2002; HR7, Reg. Sess., 2005; HR1, Reg. Sess., 2017)

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

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

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

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

Amending and Engrossing Bills

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

Time Bills to Go into Effect

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

Senate Bills

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

RESOLUTIONS

Resolutions

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

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

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

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

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

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

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

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and House resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

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

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

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

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

Introduction of Resolutions

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. ~~They shall be presented in duplicate and copies shall be for the same purpose as that of bills.~~ When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were introduced from the floor. This rule does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021).

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

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

Effect of the 2021 amendment. Removed language regarding duplicate copies.

Action on Resolutions

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

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

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

PETITIONS

Petitions

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

Effect of the 2017 amendment. Technical cleanup.

AMENDMENTS

Forms For

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

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

Must Be Germane

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

Time for Offering

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

Reading and Stating

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

By Striking Out Enacting Clause

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

Amendment to an Amendment

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

Amendment to Have Precedence Over Substitute

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

Motion to Amend to Have Precedence Over One to Strike Out

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

Filling Blanks

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

No Amendment by Way of Rider

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

Agreeing to Senate Amendments

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

Amendment by Section

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

Amending Titles

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

Amendments to Senate Bills

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

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

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

Amendments to Be Printed in Journal

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

Speaking on Amendments

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

JOURNAL**Clerk to Keep**

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

Approval and Correction

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question

of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

Printing Official Copies

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

Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the Legislative Print Shop. An electronic version of the Journal is to be posted on the Chamber Automation System and printed copies are to be available on request prior to the start of the next session. (HR1, Reg. Sess., 2017)

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

Form and Content of Journal

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

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

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

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

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

Inserting Remarks in Journal

132a. (HCR 15, Regular Session 1959; rescinded by HR2, 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 or she 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 "attachés."

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 “attaché.”

Registration of Lobbyist

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

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

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

Use of electronic communication devices prohibited

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

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

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

News Correspondents and Reporters

138. (a) Any person accorded the privilege of the press gallery or press table must be a professional journalist employed at a recognized media outlet ~~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, including lobbying or advocacy for or against any matter pending before the Legislature; ~~and no more than one representative of each shall be admitted to Seating or access to the designated press tables, galleries or seating areas or press gallery at one time shall be on a first come first served basis or on any such rotation agreed upon among members of the press.~~

(b) All applications for admission to the press gallery or press table must be made to the Speaker or any such representative he or she may appoint. Such applications shall state the name and location of the media organization ~~newspaper, news association, radio or television station,~~ and be signed by the applicant Temporary one-day passes for admittance may be granted by the Speaker or his or her designee as needed.

(c) The Speaker or his or her designee(s) shall verify statements made in such application, and if the application is approved ~~by him, he~~ they 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 House or any of its committees. ~~Rules Committee of the House.~~ Failure or refusal to abide by such rules may result in revocation of press credentials.

(e) The card issued by the Speaker must be presented when required by any Sergeant-at-Arms, Doorkeeper or other employee of the House. 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 or seating areas allotted to ~~news correspondents-journalists~~ shall be designated by the Speaker or chair of the committee using the Chamber or committee rooms. These areas will be reserved for the exclusive use of the press, and persons not holding correspondents' cards shall not be entitled to admission thereto. (HR1, Reg. Sess., 2021)

Effect of the 2021 amendment. Made numerous updates to the rule.

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

Delegates Zukoff, Fleischauer, Walker, Young, Evans, Barach and Rowe moved to amend the resolution following Rule 79, by inserting a new Rule, designated Rule 79a, to read as follows:

“Public Notice of Committee Agendas during the 2021 Regular Legislative Session

79a. For the duration of the 2021 Regular Session of the 85th Legislature, to provide public notice of the actions of the Legislature at a time when members of the public will have restricted access to House proceedings, every committee shall publish the Committee’s agenda in electronic form prior to the beginning of a meeting on the Legislature’s website in the appropriate location to afford

members of the public prior notice of the business to come before the committee. No bill or resolution may be considered by the committee during any meeting that has not been so published.”

The question before the House being the adoption of the amendment, the same was put and did not prevail.

The resolution (H. R. 1) was then adopted.

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

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

Resolved by the House of Delegates:

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

II. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 85th Legislature.

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

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

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

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 150 copies of the Acts of the 2021 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 of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of Delegates for the second regular session of the 85th 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 a copy 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.

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.

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

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

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

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

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 4 – “Authorizing the appointment of employees for this, the First Regular Session of the Eighty-fifth Legislature, Two Thousand Twenty-one”.

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:

Eight Legislative Assistants at \$75.00 - \$115.00

Three Committee Clerks at \$90.00 - \$115.00

Three Committee Assistant Clerks at \$80.00 - \$90.00

Seven Analysts at \$90.00 - \$250.00

Eight Attorneys at \$200.00 - \$410.00

One Doorkeeper at \$155.00

Five Assistant Doorkeepers at \$85.00

One Assistant Doorkeeper at \$100.00

One Sergeant-at-Arms at \$155.00

Two Assistant Sergeant-at Arms at \$85

Two House Clerk Assistants at \$150.00 - \$165.00

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

One Chief Clerk at ninety-four thousand five hundred thirty dollars per year;

One Senior Assistant Clerk/Parliamentarian at sixty-eight thousand five hundred sixty dollars per year;

One Assistant Clerk/Bills at fifty thousand dollars per year;

One Assistant Clerk/Journal fifty thousand dollars per year;

One Operations Clerk at forty-eight thousand five hundred forty dollars per year;

One Administrative Clerk at forty-eight thousand five hundred forty dollars per year;

One Communications Director to the House at seventy-one thousand five hundred dollars per year;

One Chief of Staff at seventy-two thousand dollars per year;

One Counsel to the Speaker at one hundred twenty-one thousand five hundred twenty-nine dollars per year;

One Assistant to the Speaker at seventy-eight thousand dollars per year;

One Director of Supplies at forty-seven thousand thirty dollars per year;

One Maintenance Staff at forty-one thousand four hundred forty-three dollars per year;

One Maintenance Staff at twenty-nine thousand six hundred thirty-eight dollars per year;

One Maintenance Staff at twenty-eight thousand five hundred sixty-five dollars per year;

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

One Counsel to the Committee on the Judiciary at ninety-three thousand three hundred seventy dollars per year;

One Legislative Analyst to the Committee on the Judiciary at fifty-five thousand three hundred seventy dollars per year;

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

One Chief Counsel to the Committee on Education at eighty-six thousand five hundred thirty dollars per year;

One Legislative Assistant to the Committee on Education at forty-seven thousand one hundred ninety-three dollars per year;

One Analyst to the Committee on Education at forty-eight thousand five hundred thirty dollars per year;

One Chief Counsel to the Committee on Finance at one hundred nine thousand four hundred thirty dollars per year;

Two Budget Analysts to the Committee on Finance at fifty-six thousand eight hundred seventy dollars per year;

One Research Analyst to the Committee on Finance at fifty-four thousand three hundred seventy dollars per year;

One Chief Counsel to the Committee on Government Organization at seventy-seven thousand dollars per year;

One Administrative Assistant to the Committee on Government Organization at forty-three thousand dollars per year;

One Legislative Analyst to the Committee on Government Organization at forty thousand dollars per year;

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

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

One Analyst to the Subject Matter Committees at forty-five thousand and thirty dollars per year;

One Chief Counsel to the Subject Matter Committees at ninety-one thousand dollars per year;

One Chief Counsel to the Energy and Manufacturing Committee at eighty-five thousand three hundred seventy dollars per year;

One Clerk to the Energy and Manufacturing Committee at forty-four thousand nine hundred fifty dollars per year;

One Analyst to Leadership regarding redistricting at fifty thousand three hundred seventy dollars per year;

One Analyst to the Minority Leader at fifty-one thousand five hundred forty-two dollars per year;

And,

One Administrative Assistant to the Minority Leader at thirty-six thousand dollars per year.

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

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

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

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

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

Further Resolved, That following the session, the Speaker is authorized until superseded 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 Summers, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 5 – "Implementing pandemic safety procedures for the 2021 regular session."

Resolved by the House of Delegates:

That during the pendency of the 2021 Regular Session no member of the House of Delegates or authorized staff may be present on the House Floor during any floor session unless wearing a face mask or other face covering: *Provided*, That if a member is actively eating or drinking, he or she may remove the face mask or other face covering; and

Further Resolved, That any member of the House of Delegates choosing not to wear a face mask or other face covering during any floor session or desires additional social distance not provided on the floor will be assigned a location in the galleries of the House of Delegates to perform all legislative duties included voting, and speaking to any matter as allowed by the Rules of the House of Delegates; and

Further Resolved, That any member of the House of Delegates who wishes to perform any legislative duties from the galleries will be allowed a space to perform all such duties from the galleries of the House of Delegates the same as if they were present at their desk on the floor; and

Further Resolved, That during any committee meetings of the House of Delegates all members must either wear a face mask or other face covering or in the alternative maintain appropriate social distance from all other persons attending said committee meetings; and

Further Resolved, That if a member is properly recognized by the presiding officer he or she may remove the face mask or other face covering for the sole purpose of speaking to legislative matters.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegates Hansen, Bates, Walker, Evans, Fleischauer, Barach, Young and Rowe moved to amend the resolution in the *Resolved* clause following the words "floor session unless", by inserting the word "properly".

Amending the first *Further Resolved* clause following the words "choosing not to", by inserting the word "properly".

And,

Amending the third *Further Resolved* clause following the words "all members must", by inserting the word "properly".

The yeas and nays were taken (**Roll No. 1**), and there were- yeas 23, nays 75, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Foster.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The resolution (H. R. 5) was then adopted.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Foster.

At 2:29 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 12:00 noon, Wednesday, February 10, 2021, pursuant to H. C. R. 2.

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, FEBRUARY 10, 2021

HOUSE CONVENES AT 12:00 NOON

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