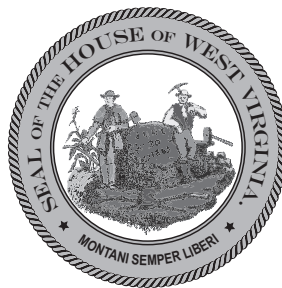


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Seventh Legislature  
First Regular Session

Held at Charleston  
Published by the Clerk of the House



January 8, 2025  
ORGANIZATIONAL DAY



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

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Charleston, Wednesday, January 8, 2025

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This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable William Anderson, the Delegate-elect from the 10th Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

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

Prayer was offered by the Honorable David Kelly, the Delegate-elect from the 8th Delegate District.

The House of Delegates was then led in recitation of the Pledge of Allegiance by the Honorable Bryan Ward, the Delegate-elect from the 86th 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 5th day of November, 2024, 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 100 Delegate Districts.

**DELEGATES ELECTED**

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

**First District**

Pat McGeehan

**Third District**

Jimmy Willis

**Fifth District**

**Second District**

Mark Zatezalo

**Fourth District**

Bill Flanigan

**Sixth District**

Shawn Fluharty

**Seventh District**

Charles Sheedy

**Ninth District**

Trenton Barnhart

**Eleventh District**

Bob Fehrenbacher

**Thirteenth District**

Scot Heckert

**Fifteenth District**

Erica Moore

**Seventeenth District**

Jonathan Pinson

**Nineteenth District**

Kathie Hess Crouse

**Twenty-first District**

Jarred Cannon

**Twenty-third District**

Evan Worrell

**Twenty-fifth District**

Sean Hornbuckle

**Twenty-seventh District**

Michael Amos

**Twenty-ninth District**

Henry Dillon

**Thirty-first District**

Jeffrey Stephens

**Eighth District**

David Kelly

**Tenth District**

William Anderson

**Twelfth District**

Vernon Criss

**Fourteenth District**

Dave Foggin

**Sixteenth District**

Joe Parsons

**Eighteenth District**

Jim Butler

**Twentieth District**

Sarah Drennan

**Twenty-second District**

Daniel Linville

**Twenty-fourth District**

Patrick Lucas

**Twenty-sixth District**

Matthew Rohrbach

**Twenty-eighth District**

Ryan Browning

**Thirtieth District**

Jeff Eldridge

**Thirty-second District**

Margitta Mazzocchi

**Thirty-third District**

Jordan Bridges

**Thirty-fifth District**

Adam Vance

**Thirty-seventh District**

Marty Gearheart

**Thirty-ninth District**

Doug Smith

**Forty-first District**

Jordan Maynor

**Forty-third District**

Christopher Toney

**Forty-fifth District**

Eric Brooks

**Forty-seventh District**

Ray Canterbury

**Forty-ninth District**

Stanley Adkins

**Fifty-first District**

Marshall Clay

**Fifty-third District**

Tristan Leavitt

**Fifty-fifth District**

James Robert "JB" Akers

**Fifty-seventh District**

Josh Holstein

**Thirty-fourth District**

Mark Dean

**Thirty-sixth District**

David Green

**Thirty-eighth District**

Joe Ellington

**Fortieth District**

Roy Cooper

**Forty-second District**

Brandon Steele

**Forty-fourth District**

Carl "Bill" Roop

**Forty-sixth District**

Jeff Campbell

**Forty-eighth District**

Thomas Clark

**Fiftieth District**

David Elliott Pritt

**Fifty-second District**

Tresa Howell

**Fifty-fourth District**

Mike Pushkin

**Fifty-sixth District**

Kayla Young

**Fifty-eighth District**

Hollis Lewis

**Fifty-ninth District**

Andy Shamblin

**Sixty-first District**

Dean Jeffries

**Sixty-third District**

Lori Dittman

**Sixty-fifth District**

Carl Martin

**Sixty-seventh District**

Elias Coop-Gonzalez

**Sixty-ninth District**

Keith Marple

**Seventy-first District**

Laura Kimble

**Seventy-third District**

Bryan Smith

**Seventy-fifth District**

Phil Mallow

**Seventy-seventh District**

Joe Statler

**Seventy-ninth District**

Evan Hansen

**Eighty-first District**

Anitra Hamilton

**Eighty-third District**

Walter Hall

**Sixtieth District**

Dana Ferrell

**Sixty-second District**

Roger Hanshaw

**Sixty-fourth District**

Adam Burkhammer

**Sixty-sixth District**

Jonathan Kyle

**Sixty-eighth District**

Chris Phillips

**Seventieth District**

Mickey Petitto

**Seventy-second District**

Clay Riley

**Seventy-fourth District**

Michael DeVault

**Seventy-sixth District**

Rick Garcia

**Seventy-eighth District**

Geno Chiarelli

**Eightieth District**

John Williams

**Eighty-second District**

David McCormick

**Eighty-fourth District**

George Street

**Eighty-fifth District**

John Paul Hott

**Eighty-seventh District**

Gary Howell

**Eighty-ninth**

Darren Thorne

**Ninety-first District**

Joseph de Soto

**Ninety-third District**

Michael Hornby

**Ninety-fifth District**

Chuck Horst

**Ninety-seventh District**

S. Chris Anders

**Ninety-ninth District**

Wayne Clark

D. Rolland Jennings

**Eighty-sixth District**

Bryan Ward

**Eighty-eighth District**

Rick Hillenbrand

**Ninetieth District**

George Miller

**Ninety-second District**

Michael Hite

**Ninety-fourth District**

Larry Kump

**Ninety-sixth District**

Lisa White

**Ninety-eighth District**

Joe Funkhouser

**One Hundredth District**

Bill Ridenour

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 reported by the Clerk:

**DARREN THORNE**

(304) 340-3157 O.  
(304) 359-3432 C.

AGRICULTURE AND NATURAL RESOURCES

BANKING AND INSURANCE

ECONOMIC DEVELOPMENT AND TOURISM

EDUCATION



BUILDING 1, ROOM 222E  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
DARREN.THORNE@WVHOUSE.GOV

**HOUSE OF DELEGATES**  
**WEST VIRGINIA LEGISLATURE**

December 20, 2024

**The Honorable Roger Hanshaw**

Speaker of the House

West Virginia House of Delegates

State Capitol Building

Charleston, WV 25305

Dear Speaker Hanshaw,

It is with a deep sense of gratitude that I submit my resignation as Delegate for the 89th District of the West Virginia House of Delegates, effective today, December 20, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Thorne".

Darren J. Thorne

Delegate, 89th District

West Virginia House of Delegates



November 11, 2024

The Honorable Roger Hanshaw  
Speaker  
West Virginia House of Delegates  
1900 Kanawha Blvd., East  
Charleston, WV 25305

Dear Speaker Hanshaw:

I am writing to formally resign from my position as Sergeant at Arms of the West Virginia House of Delegates, effective at 11:59 am January 8, 2025.

I am grateful and honored for the opportunity to serve as the 47<sup>th</sup> Sergeant at Arms for the West Virginia House of Delegates and for the support of you and the members of the House.

Thank you once again for the opportunity to serve as Sergeant at Arms. I look forward to serving the House of Delegates in the capacity of elected delegate from District 51.

Sincerely,



Marshall W. Clay

\* \* \* \* \*

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

Akers	Amos	Anders	Anderson
Barnhart	Bridges	Brooks	Browning
Burkhammer	Butler	Campbell	Cannon
Canterbury	Chiarelli	W. Clark	T. Clark
Clay	Cooper	Coop-Gonzalez	Criss
Crouse	DeVault	Dillon	Dittman
Drennan	Eldridge	Ellington	Fehrenbacher
Ferrell	Fluharty	Foggin	Funkhouser
Garcia	Gearheart	Green	Hall
Hamilton	Hanshaw	Hansen	Heckert
Hillenbrand	Hite	Holstein	Hornbuckle
Hornby	Horst	Hott	G. Howell
T. Howell	Jeffries	Jennings	Kelly
Kimble	Kump	Kyle	Leavitt
Lewis	Linville	Lucas	Mallow
Martin	Maynor	Mazzocchi	McCormick
McGeehan	Miller	Moore	Petitto
Phillips	Pinson	Pritt	Pushkin
Riley	Rohrbach	Roop	Shamblin
Sheedy	B. Smith	D. Smith	Statler
Stephens	Street	Toney	Vance
Ward	White	Willis	Worrell
Young	Zatezalo		

The roll call disclosing that 91 Delegates-elect had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates-elect present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Judge Daniel W. Greear, Judge of the Intermediate 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-seventh Legislature and stated that nominations were now in order.

### **MAJORITY NOMINATION**

Delegate Kelly, the Delegate from the 8th Delegate District, nominated the Honorable Roger Hanshaw from the 62nd Delegate District, as follows:

DELEGATE KELLY. Thank you and good afternoon again, ladies and gentlemen. So, what do we look for in a person who is tasked with the job of leading a body of leaders? Well, the first thing I look for is integrity. We want a person who possesses the quality of being honest and who possesses a strong moral principle. When I'm looking, I look for a man or a woman of honor, a person who is respected by those around him or her. A person whose reputation is being honorable precedes them. Compassion. Sadly, compassion is lacking in a lot of places today, but when we look for a leader who leads the state of West Virginia and the House of Delegates, we look for people who care about the situations that others are facing. In this case, a person whose compassion compels them to work to change those situations. We want a person who is wise, who possesses the necessary and the good judgment to successfully lead us. Wise people have developed the art, I'll say that again, wise people have developed the art of responding to situations rather than reacting. And then a proven record. That's what I look for. Again, everybody in this room is a leader, but when we elect a person to the position of the House Speaker, we're going to elect someone who rises above the fray. A proven record. We seek a person with a proven record of leadership that encompasses all these traits I've just mentioned. So ladies and gentlemen, it is this that we look for. When I think about the man that I'm about to nominate, all of these traits and so many more encompass this man. It is my extreme honor to once again nominate Mr. Roger Hanshaw to the Speaker of the House of the great state of West Virginia for the 87th legislature. Thank you.

\* \* \* \* \*

The nomination of Delegate Hanshaw was seconded by the Honorable Pat McGeehan of the 1st Delegate District, with the following remarks:

DELEGATE MCGEEHAN. Thank you for being here today. I stand here to nominate and second the nomination for Roger Hanshaw as Speaker of the House. I've grown to know Roger quite well over these last several years. Since 2014, when we as Republicans took over as a governing majority of this body, we knew each other, but only casually. We were, I guess, acquaintances, but not friends. As a matter of fact, in those days, his office was right across the hall from mine at the tail end here of the East Wing, and his office mate was one of my good friends, actually, Mike

Folk, whose reputation, for better or worse, maybe likely precedes him with some of the members here. But in the years after this, after we'd grown to know each other from being so closely located with our offices, believe it or not, Roger and I were no longer acquaintances. Sometimes we could actually be bitter rivals. But even at this, I had respect for him still, even though he kicked me off three committees, I think maybe four. So I still had respect for him, though, and as perhaps maybe just a worthy opponent, perhaps at times that respect was mutually shared. And sometimes, I suppose, antagonistic relationships can become something far more, and over time I recognized in Roger something we both seemed to hold in common. He sought what I sought, what was real, a rational soul, in other words, truth. And this chase or this pursuit of truth, I believe, is a necessary condition for genuine friendship. And so from this sort of concrete foundation, we became friends. And not in the mere sense of some sort of transactional relationship or one that merely brings pleasantries to yourself because the other person's company is enjoyable to you. But while those two types of relationships are preconditions for the highest kind, they're not the highest kind. That kind is the type of friendship that genuinely wants the good for the other person. And because of a genuine friendship, I've come to share my thoughts on politics with Roger, and he has with me as well. And one thought that I believe we both more or less shared to one degree or another is that we no longer live in the country we once knew. The old order of modernity has collapsed. The United States is no longer governed by some sort of neutral public sphere, established by some sort of debate within a so-called marketplace of ideas. We live, unfortunately, in the ruins of a society wrecked by a progressive oligarchy. Led by elites who shamelessly prioritize power and profits over the good of the people. And this has, in a sense, atomized us. It's broken our families, severed us from the bonds which make us a people, and a state, generally strong. And that is our bond with the land, our communities, and ultimately the creator. This is unfortunately the state of our broader union, and this is the condition of the ground on which we have been given the time and grace to build. And so a new approach to governance is required, one ready to confront this reality of our time with wisdom and with courage. Which will promote the true, the good, and the beautiful. Or those transcendental qualities that fulfill human nature and give politics a meaning and purpose beyond itself. This cannot be done in a day. It will take time. But we will build what will last, and hope for the praise, not of our contemporaries, but of our posterity. Who will enjoy West Virginia made up of strong communities, virtuous leaders, well-loved land, and beautiful towns. And we have an opportunity for us to make our beautiful state a rallying point for such transcendentals. And it was once voiced by the ultimate man, I send you out as a sheep amongst wolves. Well, we need leadership like that, devoted towards the good. And I believe that Roger Hanshaw can provide that. I believe he has those convictions. Therefore, I second the nomination for my good friend, Roger Hanshaw, for Speaker of the House.

### **MINORITY NOMINATION**

Delegate Lewis, 57th Delegate District, then nominated the Honorable Sean Hornbuckle, a Delegate from the 25th Delegate District, as follows:

DELEGATE LEWIS. How you guys doing? Thank you. I will be as short as the number of members we have in the House today. All right. You know, leadership isn't about titles. It isn't about position. It's about taking

responsibility. It's about inspiring others. It's about driving meaningful change. True leaders, they don't demand respect. They earn it through their actions. You know, great leaders possess the vision and the ability to lead even through adversity. Delegate Hornbuckle is a true representation of a man and a true representation of a man who's trying to lead and do great things here in the state of West Virginia. Therefore, it is my great honor to nominate the gentleman from the 25th for Minority Leader of the House.

The nomination of Delegate Hornbuckle was seconded by the Honorable Shawn Fluharty of the 5th Delegate District, with the following remarks:

DELEGATE FLUHARTY. Thank you. Good afternoon, everyone. Good to see you all again, and welcome to the new members. It's an honor to be here and second the nomination of Sean Hornbuckle. Sean Hornbuckle, father, son, brother, coach, former Marshall University student body president. I won't hold that against him. But above all else, leader. He is a leader. I can recall the first time we met, 2014. We're at a BIC conference before session starts. We had just been elected. And as you've known through the years, the BIC conference probably isn't the best place for us to hang out. And we realized that quickly as we're sitting there. And we decided, you know what, we're going to take off early. Let's hop in my car. We do. And J. Cole is playing. Now, many of you probably have no idea who that is. But he's a rapper. And you may have seen the movie Step Brothers and the scene where they look at each other and say, did we just become best friends? And I felt like that was that moment for us as we're leaving the conference that we decided that, you know what, this may not be the best situation for us. We don't really like it. We're going to leave early. And then we just became best friends at that moment. And so I actually recall the album and one of the songs on the album says, they say anything's possible. Dream like you've never seen obstacles. Okay. You can go Google that after here. And Sean Hornbuckle has seen obstacles throughout his life. And every situation when an obstacle arises, he conquers it. And he conquers it as a leader. Whether it's family. You know, a lot of people say, that guy right there, he will give the shirt off his back. Sean Hornbuckle literally gave his kidney to his sister. This guy steps up. And that's what leaders do. That's what our state needs. That's what we look for. It's somebody who not only steps up and is a leader, but is calming in that leadership. That's why we've chosen him as a minority leader. He's the calming presence. He's the adult in the room. And if I know anything about this room, it could use some adults. That's what he is. And that is why I, as a Sean, with a different spelling, am honored to nominate Sean Hornbuckle, who has conquered every obstacle. And there's no larger obstacle facing us right now than to get this state in order. And I am proud to second the nomination for Sean Hornbuckle as Speaker. Thank you.

\* \* \* \* \*

Delegate-elect Bill Flanigan of the 4<sup>th</sup> Delegate District entered the Chamber and was sworn in by the Honorable Dan Greear, Judge of the Intermediate Court of Appeals.

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

The Clerk then called the roll, the result of which was as follows: Delegates voting for Delegate Hanshaw – 84, as follows:

Adkins	Clay	Green	Kyle	Rohrbach
Akers	Cooper	Hall	Leavitt	Roop
Amos	Coop-Gonzalez	Heckert	Linville	Shamblin
Anders	Criss	Hillenbrand	Lucas	Sheedy
Anderson	Crouse	Hite	Mallow	B. Smith
Barnhart	DeVault	Holstein	Martin	D. Smith
Bridges	Dillon	Hornbuckle	Maynor	Statler
Brooks	Dittman	Hornby	Mazzocchi	Stephens
Browning	Drennan	Horst	McCormick	Street
Burkhammer	Eldridge	Hott	McGeehan	Toney
Butler	Ellington	G. Howell	Miller	Vance
Campbell	Fehrenbacher	T. Howell	Moore	Ward
Cannon	Ferrell	Jeffries	Petitto	White
Canterbury	Flanigan	Jennings	Phillips	Willis
Chiarelli	Foggin	Kelly	Pinson	Worrell
T. Clark	Funkhouser	Kimble	Pritt	Zatezalo
W. Clark	Gearheart	Kump	Riley	

Delegates voting for Delegate Hornbuckle - 8 as follows:

Fluharty  
 Garcia  
 Hamilton  
 Hansen  
 Hanshaw  
 Lewis

Pushkin

Young

The Presiding Officer stated that the Honorable Roger Hanshaw of the 62nd Delegate District received 84, and the Honorable Sean Hornbuckle of the 25th Delegate District received 8, 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 McGeehan, Kelly and Hornbuckle as a committee to escort the Speaker to the Chair.

The committee then escorted the Speaker to the Clerk's Desk and Delegate Hornbuckle delivered the following remarks:

DELEGATE HORNBUCKLE. To talk about my friend, Roger Hanshaw. It's been since 2014. We both entered this great body. Needless to say, when me and my brother Fluharty left that BIC breakfast and went to Cracker Barrel, because what's more West Virginia than that? My buddy Roger stayed. And I'm glad that he stayed, and I'm glad that he's a part of us. He's done so much for our state. Over the past decade, I've been able to admire him from afar, even when times it was to our demise and he was doing things. But he has integrity at the core. He is witty. He's wise. He's knowledgeable. And more than anything, he's understanding. Roger, he's about the process. There's been a lot of times where he's been in favor of legislation and sometimes not so much. But he is working for all of us in the state, and he does what is right. Every single time, making sure that the process plays out. I learned about my friend a lot several years ago when we really started taking the state to new heights. And he was the engineer of Choose West Virginia. Choose West Virginia, which was an initiative of bringing folks together. The Marshall University, West Virginia University, West Virginia State, most importantly, Republicans and Democrats together to go across the country to recruit business and industry to our great state, the Mountain Mama. It's been wildly important to him of doing things the right way. When I've asked, when I've called upon him, he's been there. And some of you new members, you will find that he's going to be there for you. Whether he disagrees or agrees, he's about the process. And he is just the man that we need to take us even further as a state. And so without further ado, friends and colleagues, I present to you Speaker Roger Hanshaw.

At the conclusion of Delegate Hornbuckle's remarks, Delegate Hanshaw took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Dan Greear, Judge of the Intermediate Court of Appeals.

The Speaker then addressed the House as follows:

SPEAKER HANSHAW. Well, thanks to each and every one of you, I am somewhat at a loss for words. And I rarely am at a loss for words. But this is now the fifth time that this body has given me the privilege, the humbling privilege, of having been elected Speaker of this body. The opportunity to lead our effort, our collective effort, to advance the state of West Virginia.

Which is why I know each of us put our names on ballots. And I want to thank you for that privilege again today. It was a humbling honor the first time, five elections ago in 2018, when this body gave me this opportunity. But it's been an even greater honor each time since then. Because I take it as an affirmation of your confidence in what I've tried to do here. And the environment I've tried to create. I want to thank our staff and those who've supported me along the way for the course of these past cycles. These past, now six cycles, that I've had the privilege to lead this body. My wife and my family are with me this morning. My wife, Kirsten. My daughters, Catherine and Rebecca, are both here with me today. And to the extent that I'm able to provide anything of value to this body, it comes with the support that they provide to me at my home. So, Kirsten, Catherine, Rebecca, I thank you very much for giving me the opportunity to do this as well. A little bit later, we'll elect our clerk. That's an order of business on the docket for today. And we'll proceed to that momentarily. But I also want to publicly thank, on his last day as our House clerk, Clerk Stephen J. Harrison. Steve will leave us today, after ten years of having faithfully served as clerk of this House. I sincerely hope we've not seen the last of Steve. But I'll leave that between he and his family after he enjoys some time in retirement, after he leaves our House today. You know, later today, ladies and gentlemen, friends, we will adjourn this body. We'll adjourn this House for a month. And in that month, we'll have an opportunity to reflect on just what our goals are for the 2025 regular session of the legislature. We'll reconvene in a month. In that month, I want you to reflect on where we have come as a state and where you think we're headed. Because I've spent a lot of time doing that over the course of the past several weeks, thinking about where we were, where we are, and where I'd like to see us go. This day, this day marks the beginning of my 11th year in the legislature. And as I sat in the room this morning and surveyed the body, I count 14, I count 14 men and women who are still here today who were here when I arrived in this body on my first day as a member of this House. Now, what seems like an eternity ago now, but really was just a short 10 years in January 2015. I want to thank Delegate Hornbuckle for those very kind words, and we have had a wonderful opportunity to work together. I'm looking forward to continuing that relationship because what we find when we leave the Capitol, and especially when we leave the confines of our geography, the confines of the state of West Virginia, is that the people who are looking in and determining our future or influencing our future outside the borders of West Virginia are looking at how well we as a state work together, are looking at how well all of us, all 1.8 million of us, share a collective vision for the kind of state, the kind of society, the kind of West Virginia that we want to create here to see if it's the kind of place where they want to be, to see if it's the kind of environment where they want to live, work, and raise their families, the kind of environment in which they want to place their investments. And I'm really proud of where we have come. Reflect on these past 10 years, whether you were here as a voting member or not, reflect on where we have come in the course of those past 10 years. In the past 10 years, during the time that I've had the privilege to watch it firsthand, we've spent billions of dollars. We've invested billions of dollars into new job opportunities for West Virginians. We have seen here in West Virginia the largest ever economic opportunity in Nucor steel. We've seen huge investments in Procter & Gamble. We've seen industry begin to make its way back to West Virginia, the kind of industry that we were once known for, that we were once proud of, that we once used to fuel the world. We've seen that begin to migrate its way back into West Virginia, and I'm proud of that. We've reformed civil justice systems in a



way that removed West Virginia from some pretty unflattering, unfavorable evaluations from outside our state, from those who are looking to potentially do business in our state. We've been able to do that together, and I'm proud of that. We've invested in very long overdue pay raises for our public school teachers, our school service personnel, our state workers. It took us a long time to get there, and we need to do a lot more. But we've been able to do a lot over the course of these past 10 years to give our state workers and those who do jobs that are important to the lives of all of us more compensation for a very difficult job and a job well done. We've expanded health care opportunities. We learned from coronavirus. We learned from the pandemic that there were ways we could deliver health services in West Virginia more efficiently, more effectively through telehealth, through expansion of services in our community hospitals around West Virginia. I'm proud of the fact that we've been able to do that and expand access to health care opportunities for all 1.8 million West Virginians. We've invested in our hospitals and our higher education institutions to allow them to engage in millions of dollars, tens of millions of dollars, of deferred maintenance over the course of the past 10 years in an effort to put our institutions on competitive footing with other jurisdictions out around the country so that when people look at West Virginia, they see a modern 21st century place where they themselves can live and work and raise their families. We've spent billions of dollars on roads, on public water and sewer systems, on telecommunications systems, on public infrastructure in an attempt to give all West Virginians in every corner of our state access to one another, access to the economy, access to the reaches of the world as we communicate and live and work in a 21st century society. I'm very proud of the fact that we've been able to do that. And as of this week, as of this week, doing all that made West Virginia in 2024 the source of the greatest percentage of net inward migration of any state in America. I'm particularly proud of that. The greatest of any state in America. That's something that we should all embrace and something that we should all lean into, particularly since we were able to do it in an environment in which we've created and strengthened and tried to promote communities, towns and cities around West Virginia that preserve our Appalachian values, that preserve West Virginia's heritage and culture in a way that allow all of us to be proud of ourselves and our communities. But those were the easy things. Those were the easy things. Because those were things we could potentially tackle with a single bill or a single investment of money or one change to the law. What remains for us, ladies and gentlemen, is hard. The work that remains for us now is hard. We have taken the easy steps. We have taken the easy road. The course before us now is hard because the remaining challenges are grand challenges that face not just West Virginia, but our country. Because despite the billions of dollars that we've made in economic investments in West Virginia, there are still far too many West Virginians working in jobs that don't allow them to provide the kind of lifestyle for themselves and their families that they deserve. There are still far too many young people graduating from our high schools, our colleges, universities and trade schools in West Virginia who have to leave our state to go find gainful employment. Despite the advances that we've made in health care, which have been substantial and for which we should all be proud, we still have among the poorest health care outcomes in the country. We still have among the poorest health outcomes in the developed world. We have work to do there. Despite the billions of dollars that we've spent in infrastructure, we still have far too many West Virginians who need public water and public sewer and telecommunication

services delivered to their homes. We have some work to do there as a legislature. Those are things that I want to prioritize. Despite huge investments that we've made and historic pay raises that we've given public school teachers and state workers, we still have a long way to go before we are truly competitive with the rest of the economy in recruiting men and women to do jobs that are so critically important to our future as a state, that mean so much to our children, to our families, to the communities that we try to create here in West Virginia. Those investments have to continue. Despite the hundreds of millions of dollars that we've put into our public hospital systems, our institutions of public higher education, we still have facility needs, we still have equipment needs, we still have infrastructure needs in order to allow West Virginians to have the same opportunity that citizens in neighboring jurisdictions and neighboring states have at their hospitals, health care facilities, and public schools and universities. We have work to do there. We have work to do there, and solving those problems will be hard. It simply will be hard. It will require that we think differently about our work as a legislature. It will require that we engage differently and more deeply with the executive branch. Soon we'll inaugurate our incoming Governor, Patrick Morrissey. I want to publicly declare today that the House of Delegates is anxious to work with Governor-elect Morrissey and his team as they advance an agenda that will also advance the priorities that we as elected members of the legislature, the people's representative, share for creating an environment in which it's easier to choose West Virginia, in which it's easier to live, work, and raise a family right here in West Virginia. We have to focus on these problems. We have to focus on each of those issues that I've just discussed because the people demand it, and frankly, they deserve it. And for many of us, that will require that we embrace or consider solutions to those problems that may not be personally preferential to us, but yet they may be what society demands and may be what society needs. The future ahead of us, ladies and gentlemen, is bright. The future ahead of us is bright. I, for one, will always be an optimist on the state of West Virginia, and I am today. I am today because the opportunity for us to create the kind of state in which it's easier to choose West Virginia as a place to live, work, and raise your family is right before us. It's right before us. And as you leave here today, when we wrap up our business, and as you take the next month to contemplate what's important to you, what's important to us, I want to challenge all of us to think around those lines. How do we continue to create an environment here in which it's simply easier to choose West Virginia as the place where you live, work, and raise your family? I said those words four years ago here from this very spot, and when I did so, I didn't mean to create a rallying cry, but it turned into that, and I'm happy it did because if every step we take as a legislature makes it easier to choose West Virginia as the place to live, work, and raise your family, then we will have done our jobs well. We will have done our jobs well. We will have served the people of West Virginia well. We will have created communities that reflect Appalachia, that reflect West Virginia culture, and that we can all be proud of as a society and as a people and as a state. We have a long way to go, and it's a short time to get there. I thank you for your confidence in me. I thank you for the confidence in the work that we have done, and I'm excited to undertake, effective immediately, the work that we'll all be doing together very soon. Thank you once again.

Delegate Rohrbach of the 26<sup>th</sup> Delegate District then assumed the Chair.

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### ELECTION OF CLERK

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

Delegate Hanshaw, the Delegate from the 62nd District, nominated Jeffrey Pack, of the County of Raleigh, as follows:

MR. SPEAKER, MR. HANSHAW. Thank you, Mr. Speaker. Friends, good afternoon once again. It's my pleasure and, indeed, my privilege to now stand here before you in this context and nominate for the office of the clerk of the House the Honorable Jeffrey Pack. Jeff, as you likely know, served as a member of this body, which gives him familiarity and understanding of the process that we all follow every day, as well as an understanding of the needs and expectations that we as voting members of this body have from an administrative perspective of our staff and of the back office operations that support the work that we do and that we champion out here on the floor of this House. I became acquainted with Jeff Pack while serving as vice chairman of the Committee on the Judiciary, sitting in the seat now where the gentleman from the 55th, Delegate Akers, occupies. Jeff was appointed to this body, was appointed to this body, and his first day while serving as a member of this House, he was unfortunately seated immediately to my left, unfortunately for him. It turned out to be a great day for me because over the course of the next several years, Jeff and I got to know one another quite well. His understanding of our process is deep. His love for West Virginia is broad. His desire to help us advance our process is exactly what we as a body need to help fill the void left when Clerk Harrison exits his role as clerk of the House, effective immediately. So with that, Mr. Speaker, it's my pleasure to place in nomination the Honorable Jeffrey Pack.

The nomination was seconded by Delegate Campbell of the 46th Delegate District, with the following remarks:

DELEGATE CAMPBELL. Good afternoon. It is my honor today to second the nomination of Jeff Pack as House Clerk. When I was first sworn in back in November 2017, Speaker Tim Armstead told me the House is a big family, and he was right. Two months later, a new delegate from Raleigh County was appointed on the first day of session. His name was Jeff Pack. When we first met, I welcomed him and thanked him for pushing me from 100th to 99th in seniority. We shared parts of Monroe and Summers Counties, and we would often see each other at events in our districts, including the many pie auctions that we both enjoyed so much. As we became friends, I would often remind him that I had more seniority, but he moved into leadership quickly and served as caucus chair, then vice chair of health and GovOrg, before becoming chairman of the health committee. He left the House to work in Governor Justice's administration, and his public service has not gone unnoticed. Two years ago, he was named Concord University's Outstanding Alumnus of the Year. He also gives back to his community as an official for high school and youth sports. He is no stranger to this chamber. He knows the legislative process. He is a good, fair man, and he will never have to be told to do his job. It is an honor to second the nomination of my great friend, Jeff Pack, and welcome him back to our big family as House Clerk. Thank you.

The Speaker then assumed the Chair.

On motion of Delegate Campbell, nominations were closed and the Honorable Jeffrey Pack, of the County of Raleigh, was elected Clerk of the House by acclamation.

Mr. Pack then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Dan Greear, Judge of the Intermediate Court of Appeals.

### **ELECTION OF SERGEANT-AT-ARMS**

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

Delegate Clay the Delegate from the 51st Delegate District, nominated Edward Hart, of the County of Kanawha, as follows:

DELEGATE CLAY. Thank you, Mr. Speaker. I'm here to nominate my successor to the Sergeant-at-Arms, Edward Hart, from Kanawha County, has what it takes to be an effective and good Sergeant-at-Arms. He was born in Clarksburg, and he retired from the West Virginia ABCA. He came to us a few years back, and ever since he came here, he's wanted to know what was going on, what was happening. So he has the knowledge. I believe that he has the knowledge to succeed as Sergeant-at-Arms. So therefore, I nominate Edward Hart of Kanawha County to be the 48th Sergeant-at-Arms. Thank you. Thank you.

The nomination was seconded by Delegate DeVault of the 74th Delegate District, with the following remarks:

DELEGATE DEVAULT. Thank you, Mr. Speaker. Whenever I came here two years ago, I knew very, very few people in this body. And one of the first people that I became friends with was Mr. Edward Hart. Found out we had some connections up north in the Fairmont area. He used to play softball with some fellows that I used to drink beer with. So we got along real well, real fast. Ed has been here every day, and anything we needed, he was here. So it gives me great pleasure to second the nomination for Mr. Ed Hart for our Sergeant-at-Arms. Thank you.

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

Mr. Hart then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Dan Greear, Judge of the Intermediate 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 Ellington, a Delegate from the 38th Delegate District, nominated Robert Stewart of the County of Kanawha, as follows:

DELEGATE ELLINGTON: Thank you, Mr. Speaker. Welcome, everyone. I'm glad you all made it here safely today. I have the distinct honor and privilege to nominate for House Doorkeeper a gentleman that I've known for a number of years. But before I do so, let me give you a brief history on him. He was born in 1947 by Everett Nader, son of Everett Nader. He's a family man, been married to the same woman for 42 years, Miss McComas. He has six children, 26 grandchildren, and nine great-grandchildren. I understand he knows the birthdates and names of every single one of them. I hope so, anyway, for his case. He's the product of Fairdale High School in Kentucky. He's had a long career at Praxair for 36 years and two years as a contractor, helping that company. He served our country. He attained the rank of sergeant in the United States Army from 1969 to 1971. He's also served this body. He was assistant doorkeeper in 2018, and he was elected as our House Doorkeeper in January of 2019, and has been so since that time. It is my honor and privilege to put in nomination this true gentleman, Mr. Robert Stewart, for House Doorkeeper.

The nomination was seconded by Delegate Vance of the 35th Delegate District, with the following remarks:

DELEGATE VANCE: Thank you, Mr. Speaker. It is an honor for me to be able to come up and second the nomination of Robert Stewart for Doorkeeper of the House. Being my second term starting off, I've only had one term under him, but I know that he does an excellent job. He's always friendly, he's always smiling, and he has a heart for service, and that's what I look for. A man of integrity, and I think he does a fine job at what he does. He was here for the 83rd as the assistant, the 84th, 85th, and 86th as the doorkeeper, and I say we keep him for the 87th as well. It's my privilege and honor to second the nomination for Robert Bob Stewart for Doorkeeper of the House. Thank you.

On motion of Delegate Ellington, nominations were closed and the Honorable Robert Stewart of the County of Kanawha was elected Doorkeeper by acclamation.

Mr. Stewart then took the oath of office as prescribed for Doorkeeper, which oath of office was administered by the Honorable Dan Greear, Judge of the Intermediate Court of Appeals. (Applause, the members rising)

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On motion of Delegate McGeehan, the Clerk was authorized to notify the Senate and Governor that the House of Delegates had assembled in the First Regular Session of the Eighty-seventh 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, 62nd Delegate District, as Speaker; Jeffrey Pack, of the County of Raleigh, as Clerk; Edward Hart of the County of Kanawha, as Sergeant-at-Arms; and Robert Stewart, of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

### **Resolutions Introduced**

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

**H. C. R. 1** — “Raising a Joint Assembly to Open and Publish Election Returns”

*Resolved by the Legislature of West Virginia:*

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:30 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 5th day of November, 2024, as provided by Sec.3, Article VII of the Constitution.

At the request of Delegate McGeehan, 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.

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

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

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 1:30 o'clock postmeridian this day; and, be it

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

At the request of Delegate McGeehan, 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.

In accordance with the provisions of the H. C. R. 2, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Hott, Kimble and Hornbuckle.

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

**H. C. R. 3** — “Providing for an adjournment of the Legislature until February 12, 2025”

*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 12, 2025, at 12 o'clock meridian.

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

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 1**, Raising a Joint Assembly to open and publish election returns.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 2**, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefore.

A message from the Senate, by

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

**H. C. R. 3**, Providing for an adjournment of the Legislature until February 12, 2025.

### **JOINT ASSEMBLY**

The Sergeant-at-Arms announced the Honorable Randy Smith, President, and the members of the Senate. The President and members of the Senate then entered the Hall of the House of Delegates and the members were seated in the places reserved for them. The Speaker invited the President to a seat to his right.

### **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 5th day of November, 2024, for Governor and other constitutional officers, in accordance with Section 3, Article VII of the Constitution of the State:

Patrick Morrisey	as Governor	740,928 ballots cast
Kris Warner	as Secretary of State	718,230 ballots cast
Larry Pack	as Treasurer	602,718 ballots cast

Mark Hunt	as Auditor	711,228 ballots cast
John "JB" McCuskey	as Attorney General	716,106 ballots cast
Kent Leonhardt	as Commissioner of Agriculture	710,095 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, 2025.

PATRICK MORRISEY, GOVERNOR

KRIS WARNER, SECRETARY OF STATE

LARRY PACK, STATE TREASURER

MARK HUNT, AUDITOR

JOHN "JB" MCCUSKEY, ATTORNEY GENERAL

KENT LEONHARDT, COMMISSIONER OF AGRICULTURE

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#### **ADDRESS BY THE GOVERNOR**

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them. The Sergeant-at-Arms next announced Chief Justice Wooten and Justices of the Supreme Court, who entered the Hall of the House of Delegates and took the seats reserved for them.

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

The Speaker then presented the Honorable Jim Justice, who addressed the House as follows:

GOVERNOR JUSTICE. Well, first and foremost, this isn't an easy day. And it's a good day. It's a happy day. And I thank not only all of y'all. I congratulate Roger and Randy and Pat on their elections and many more. But with all that being said, now you've got more of a job to do. And I think you're going to do it and do it really well. You know, through all this, we pulled the rope together, didn't we? We had to. You know, when it came crunch time, we first and foremost wanted to do good stuff for West Virginians. But absolutely, we had everything in the world thrown at us. Plus the fact that everybody on the outside never, ever, ever in West Virginia slang could have thunk that we could have pulled it off. That's all there is to it. But we did over and over and over and over. You know, you had grit. And we all had God above. You know, I always do this and I really do this because it's the right thing to do. I give God credit for all the good ideas. I'll take credit for the bad ones. But I really, truly mean this. From where we were on day one to where we are today, we have had a miracle from God touch all of us. And you should never, ever, ever forget that. Now, there's so many things we can talk about here. You know, I really



believe just this. And I wrote down one thing. All the surpluses, all the gains, all the tourism, all the roads, all the, all the. You know what we did? We did this together. And you should be very proud. Every last one of you. All of y'all. Every single last one of you. You restored and gave West Virginia pride and hope. You did. You should never forget that. In all honesty, we're cooking. And we're cooking right now in ways like you can't imagine. Now, I'm going to just go through as quickly as I possibly can some accomplishments and all the stuff that we pulled off. And I don't know that I can see it real well. But one thing we surely did is we turned deficits to surpluses. You know, when I walked in this door the first time, if you'll remember, I was bouncing around here on whiteboards all over the place and doing all kinds of different things and sweat just running off of me. Because I was sweating like crazy back there. Even if it would have been 10 below zero, I was still sweating. And then when we got here, it just got worse. With all that being said, all I could think about is just this. You know, when Dave Hardy and Mike and Mike and Mark handed me the books, basically. And you know what the situation was. I mean, they hand me a set of books, and it basically says, you got in the year that we have, and we have a constitution that says we're supposed to have a balanced budget. We're six months through the year, and we're going to be \$219 million short. Now, and that isn't a bad news, Governor. Really and truly, the first year we're going to project, we're going to be another \$497 million short. And a couple of years out from that, we're going to be \$772 million short. What's your answer? Your answer was absolutely only one thing. Well, we're going to have to cut. We're going to have to cut and cut and cut more. And the more you cut, in all honesty, the more people left. And when they left, they took their revenue with them. And I knew that we absolutely had to do something because I have never in my life—I've run a lot of businesses. I've never in my life seen a business that you could cut your way out of the mess. You've got to be prudent. You've got to be smart. And that's what we've done. We've kept a flat budget for all practical purposes. But with that, you had to grow revenue. I got a living. So we came up with the idea of Roads to Prosperity, didn't we? And I hate to say this, but some of you probably thought, bad idea. And probably some of you thought, there's no way that this is going to pass. And Toby and Edith out there, that I always refer to as the voters, stood up and said, no, we want to go with Jim on this one, and we're going to go 73 percent of the vote, every county. It was unbelievable. Unflat believable. A mandate like you can't imagine. And they didn't want their taxes raised, and really and truly, we didn't. So we took off. We took off. And I want to just tell you just this, and I mean it from the bottom of my heart. I'm not going to be your governor in but a few more hours. But with all that being said, now just think. October the 7th, when Toby and Edith stepped up, now they did. They stepped up and they said, we're going with the vast majority of y'all, and we're going absolutely with Jim. 73 percent of the vote. Don't ever, ever not celebrate October the 7th, because on that day, this whole state took a big turn of where we had been and where we had been for decades. Absolutely right then and there, we took off. I've told you this story many times, but I was in the shower. Block that out of your mind. But now, and this idea just hit me, and this is what I say the good Lord invades in all of our lives. He made you who you are for a reason, and he made me who I am for a reason. That's why truly in my life, and this is how I think, as long as he gives me breath, I need to keep on digging. I need to keep on trying to do anything and everything I possibly can. Because I think if I just said, well, no, hold it, I want to just go hunt and fish and just hang out and everything else. That's what I want to do. I think he looks

back at me and says, I'm not happy with you. I made you, Jim Justice, for a reason. He made every one of you all who you are for a reason, and that's why you're here, giving up so much of your life. It's off the chart, and you do it over and over and over. And I salute you in every way, but don't ever forget October the 7th, because on that day, this state pivoted and took off. Now, there's so many things. You know, my notes here would say we cut taxes over and over and over. Twenty-seven times we've cut taxes. And we've cut taxes for cars and Social Security and child care and small business and retirees and veterans and on and on and on and on and on. And the largest tax cut in state history in regard to reducing your personal income tax. I would tell you, don't lose the mission. The faster you can get rid of your personal income tax in West Virginia, this place will flood with people and opportunity over and over and over. You absolutely please keep your mission. Now, with all that being said, you know, there was a mandate. I'll never forget, I was on the Coalfield Expressway, and the road had been there, you know, it was 28 years in the making. The road, the initial grading had been done to the road from, I guess, Crab Orchard to Mullins. Ten miles. The mountains had been cut. The road had been laying there for, who knows, ten years, growing up in weeds. And here's what I said in a minute. I said, I'll build the damn road. That's the approach you've got to take. You've always got to take, build the damn road. You know, at the end of the day, it takes some guts, and you've got to step out and do it. You can build the damn road every time. Do it. The other thing is just as simple as just this. Since that time, roads to prosperity, if you count broadband and water and sewer and all the different things, \$14 billion have been spent in the great state of West Virginia. It's unthinkable. And think about education. I said in the first State of the State, I said, we want to make education our centerpiece. Well, why'd I do that? I mean, for crying out loud, it was tough. I did that because we had, whether we like it or not like it, we had to change our image in West Virginia. See, we know how great we are, but the outside world didn't buy it. That's all there is to it, over and over and over. Education is so key. It is so key to everything we have. Don't ever forget. We've got a long ways to go with education, but we've done a bunch of really good stuff. A bunch of really good stuff. Now, with all that being said, we spent a billion dollars at the SBA and new schools or facilities or whatever it may be. Absolutely, we gave our families choice. For God's sakes of living, we gave them choice. And we supported Hope Scholarship and on and on and on. We absolutely did Communities in Schools with this lady's idea that honest and true. You know, it was just like, well, I don't know, Kathy, I don't know. They were in one county, and now they're in every county in this state. I think 270 schools, over 110,000 kids. And if you really haven't seen Communities in Schools in action, I don't care about the national deal. In West Virginia, if you haven't seen it in West Virginia, you haven't seen something that you need to check out. It's unbelievable. They step up and they help one child. They help a child that may be disruptive in the classroom with all kinds of kids. But they help one child with maybe a jacket or maybe a toothbrush or maybe somebody just to talk to. And then along came the therapy dogs, and look what that's happened. Look what's happened there. Every time I do this, I get all choked up, but you've got to hear it. There's a little kid at Pineville. He's severely handicapped. Absolutely, he wouldn't come to school. He just wouldn't come to school. Now he's there with a little dog that's there, and he was reading to the dog. Gosh, here I go again. This is tough on me, this part. And we walked up to him, and we said, son, how's your day? And he looked up, and he said, best day ever. I'm telling you, this program has really worked. So with all

that being said, we have flipped the script in many ways with our schools. Now we've got a lot more to do. There's no question we've got a lot more to do, and we can improve over and over and over. But the things we've done as far as choice, the things we've done as far as the SBA, the things we have absolutely been able to do because of the fact that we're economically so sound it's unbelievable, we've done good stuff, and you should really be proud of that. If you'll just think, and I see Glenn sitting here and Eric sitting here and so many, so many that have been really instrumental in really pulling the rope and making this happen. But the advances in economic development in this state are off the chart. Company after company after company is coming to this state right now. Absolutely people that we would have never, ever dreamed of that could possibly be coming to West Virginia, and they are over and over and over. You haven't seen the fallout of all the stuff, the tens of billions of dollars that have absolutely are in motion right now. And when they get through in motion, you won't believe it. You just won't believe the new cores or Berkshire Hathaways or Form Energy or on and on and on. You won't believe what is happening right now all across West Virginia. We've got to just keep it going. That's all there is to it. Just keep it going. You should be, and again, really, really proud. And I congratulate, like I said, the folks at EDA. They've done a marvelous job. Keep up the good work. Now, I want to talk to you just one second about tourism. You know, when I rolled in the door, I think, and Chelsea Ruby was here, Chelsea would say four years in a row as far as folks coming into West Virginia and the number of dollars that they've spent in West Virginia had declined. You know, can you imagine this number? Right now in the state of West Virginia this year, the visitors are going to, not in 2025, in 2024 visitors are going to come to West Virginia and spend \$9 billion, \$9 billion, almost double the entire budget of the state of West Virginia. It is unflat believable. How did it all happen? I'll tell you how it happened. It happened so simple it was unbelievable. We became frogs that were proud of our own pond. And the world saw who we are. I told a bunch of kids at Appalachian Bible School the other day, and I would tell you exactly this. Do you realize these kids, I said, do you realize what the moms and dads all across this world would give if their kids could be you? In this great state, with our great values, and absolutely all the good that comes from us, they would give anything if their kids could be us. Don't ever forget that. Hold your head really high. Be that frog that's super proud of your pond. And with all that being said, then all of a sudden, lo and behold, tourism just took off. And it's still, and remember this, it's still the parsley around the sides of the plate. There is so much more on this plate. There's so much meat and potatoes there. There's so much more. Tourism is a story that you just can't possibly imagine. The net net of this whole thing is, again, just think, just a few days ago, West Virginia, gosh, it's so unbelievable, it's off the chart, but West Virginia, the number one inbound migration state. Just imagine it. We were supposed to be that state that was so backward, should know your place, shouldn't absolutely dream big, because you can't ever do that. We were supposed to know our place. And I hope nobody's here from Mississippi, but we were supposed to be constantly competing with Mississippi to see who would be dead last. I hope to goodness nobody's here from Mississippi. But really, we're not doing that anymore, are we? I salute you on this. Really, so much of this is because of our conservative decisions. You know, we stood rock solid for life, didn't we? And anybody on the outside that would wonder about West Virginia, you best better know rock solid. We stand for life in West Virginia. We told the world, don't mess with our guns. I mean, that's the last thing you want to

do. Don't mess with our guns. We appointed conservative judges over and over. We didn't take a blind eye to the border crisis. Absolutely, for the most part, all of us should love and respect Donald Trump. I want us to all know just how important energy is. Energy in this nation, and I wrote, I told them, I wrote, I've done a whole bunch of stuff already in D.C. I was fortunate enough to be put on the Energy Committee, but I've done a whole bunch of stuff, and here's what I would say. I would say, you know, we have a deficit in this nation that's off the chart trillions. You know, Tommy Turberville came to me, you know, one of our senators from Alabama came to me and said, and he said, tell you what, he said, you don't really understand this job. He said, this job is this. It's the most unbelievable job in the world. You see, we've got to figure out a way in this country every year to spend two and a half trillion dollars more than we take in the door. Think how crazy that one is. And then he just laughed. He said, and he was really sad about that, he said, it's the beatenest thing you've ever seen. Some way we've got to stop it. But at the end of the day, remember what I said, you can't cut your way out of a mess, in my opinion. Now, there's tons of waste in D.C., and President Trump is going to take a meat ax to a bunch of stuff, and I'm going to be right with him, arm and arm. But with all that being said, we've got to find a way to grow our revenue, too, as a nation. The whole answer is energy. Say what you want. It won't grow anywhere else but energy. You see, at the end of the day, civilization has only ever progressed with abundant, cheap, and now clean energy. The only way civilization has gone forward is that. We're standing and sitting on natural gas reserves, coal reserves, absolutely all the alternatives, whether it be solar or wind or whatever. I say embrace them all. But for God's sakes, don't be dumb enough to absolutely turn your back on our fossil fuels. Our fossil fuels are critical to us like you can't imagine. The thing I very proudly would tell you today, and this is absolutely a gospel fact, Donald Trump and I are real friends, not kind of friends. We're real friends. We're not acquaintances. We talk, we talk all the time, and literally, he is going to make it happen, and I'm going to do every single thing in my power to stand arm-in-arm with him, and I'll do it to my death. Absolutely, this nation better turn around and better turn around now, or we're not going to have a nation. We got it figured out in West Virginia. We know in West Virginia what to do, what's reasonable, what's logical, and everything else. It is amazing what you do. Unbelievable. But this nation has been a dog's blooming mess and these last few years have been really something. And where we would have gone if Donald Trump hadn't been elected, I mean, it just absolutely blows me away. So with all that being said, just think about this just a second. Lo and behold, out of the clear blue nowhere, we have this pandemic, we have COVID, and nobody's got a playbook, and nobody knows where to go. Someway, somehow, how'd we get through it? We got through it one way. We stood arm-in-arm, we pulled the rope together, we helped each other, and lo and behold, we got through it. Now, there's all kinds of things now that we look back on that we could change, but for crying out loud, nobody knew. Nobody knew. Everybody was doing the best we could possibly do, but one thing we did, West Virginia in many ways led the way. Little old West Virginia. That in its own way helped us for the world to see West Virginia. You know, I've said this a bunch of times, and I really mean it. You needed a head coach. I hope that you think that I've been a decent coach. Absolutely, but you can't win ballgames if you don't have great players, and you were the players, and you were great players. You made me proud so much it was off the chart. Absolutely, I promised you a rocket ship ride, and we're riding that rocket like we can't imagine. We got a new

governor coming in, and we wish him the best like you can't imagine. For crying out loud, please, nobody, root for failure. I mean, absolutely, I thank the world of Patrick and Denise, and I wish them the best in every way, and I stand ready to try to help them at every minute, and so does Kathy, so does my whole family. I pray that they will have successes like you can't imagine. I wrote this down. We pulled the rope together. We made tough, right decisions. You know, we proved them wrong, didn't we? We proved them wrong over and over. They called us hillbillies, but we proved them wrong, and now West Virginia, in many ways, is the envy of the world. I would tell you, keep it going. Absolutely keep it going. I'm so proud of you, it's off the chart. My dad would say over and over, it's been a real honor flying with you. It really has. I absolutely would wish you the best in every way. God bless each and every one of you. It's one tough job that you have, that I had, but you are the best, and you should always please remember that. And so as I leave you, I would say I'm very, very proud of you. I can't say anything better than what my dad would have said when he said, it's been a real honor flying with you. God bless you. Now sit down. Sit down, because Roger's kind enough to let me bring Baby Dog out here. So Baby Dog and Kathy and I are going to sit here, and if any of you want to come up and say hi, please do so, but I don't have any idea where she is. Oh, here she comes. Justices, I'm sorry. Thank y'all so much in every way. Come on, Baby. Baby Dog, last night, I got to tell you this story real quick. Last night at 10.30, she cut her paw on the ice and was bleeding so bad, blood shooting everywhere, and we ended up at the bed at 12 o'clock, stitches and everything. So anyway, nevertheless, thank you. Thank you, Roger. Thank you, Randy. Thank you, Craig, wherever you are. And God bless each and every one of you. Thank y'all. Okay, now I'm done. Y'all leave. I only got a few days left.

The committee to wait upon His Excellency, the Governor, then escorted the Governor from the Chamber. The business of the Joint Assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber. The members of the Senate retired to their Chamber. The Speaker then called the House to order.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate announced the adoption by the Senate and requests the concurrence of the House in the adoption of:

**S. C. R. 1** – “Adopting Joint Rules of 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-sixth Legislature are hereby adopted to govern the proceedings of the eighty-seventh Legislature, subject to subsequent amendment.

At the respective requests of Delegate McGeehan 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 requests the concurrence of the House in the adoption of:

**S. C. R. 2** – “Authorizing payment of joint expenses.”

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

*Resolved by the Legislature of West Virginia:*

That for the regular and any extraordinary session of the eighty-seventh 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 McGeehan 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.”

### **Adopting the Rules of the House of Delegates**

*Resolved by the Legislature of West Virginia:*

That the Rules of the House of Delegates for the 87<sup>th</sup> Legislature are hereby adopted and shall govern the proceedings of the Regular Session of the Legislature and any Extraordinary

Sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, to read as follows:

### **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 Elect Officers**

2. In the election of officers by the House, the vote shall be given by 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. A question before the House, or in committee of the whole, shall not be voted on by ballot.

### **Duties and Rights of the Speaker**

#### **Call to Order**

3. The Speaker shall take the chair on each legislative day 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.

#### **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~~ all personalities and confine members to the question under discussion, but he or she shall not engage in any debate, or propose his or her 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, the Speaker shall name the one entitled to the floor.~~

#### **Questions of Order; Appeal the Decision of the Chair**

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. The Speaker or Chair 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 or her decision, notwithstanding, he or she may have before spoken on the question; but no other members shall speak more than once on such appeal without leave of the House. If an appeal of the decision of the Chair is put before the House, the Speaker shall vacate the chair, and the Speaker Pro Tempore, as appointed by the Speaker, shall preside, and the question shall be "Shall the decision of the Chair be and remain the decision of the House?" And if a majority of the members present vote in the affirmative, the decision of the Chair shall stand.

### **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 or she shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best.

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

8. The Speaker shall appoint a Speaker pro tempore, who, during the absence of the Speaker, shall perform all duties of the Speaker: *Provided*, That the Speaker may designate any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside until the Speaker returns to the chair.

### **Appointment of House Employees**

9. For the performance of 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.

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.

### **Appointment of Committees and Subcommittees**

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

~~The Speaker or Chair may also~~ shall determine the membership, chair, vice chair and the subject matter jurisdiction of each standing committee and standing subcommittee. ~~to the~~



~~subcommittees of standing committees, prescribe their jurisdiction and designate the Chairs 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 Chair thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House.~~

### **Reference of bills**

10a. The Speaker shall determine the subject matter of a bill or resolution and refer such, without printing, to the appropriate committee.

### **Chair of the Committee on Rules; Majority Leader as Vice Chair**

11. The Speaker shall be an ex officio voting member and Chair of the Committee on Rules, and in the absence of the Speaker, the Majority Leader, as appointed by the Speaker, shall be the Vice Chair of the committee.

### **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 or her 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 or she shall not be required to vote unless the House is equally divided, or unless his or her 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.

### **Charge of Clerical Business of House**

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

### **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. He or she 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 or her 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.

### **Clerk to Have Custody of All Records**

18. The Clerk shall have the custody of all official records and papers of the House. ~~and shall not allow them to be taken from the table or out of his or her possession without the leave of the House, unless to be delivered to the Chair of a committee to which they may have been referred and then he or she shall take a proper receipt therefor. The Clerk 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 Deputy Clerk**

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 or her stead.~~ If the clerk is unavailable, a deputy clerk may attend to the proceedings of the House.

### **Clerk to Have Charge of All Printing; Corrections**

20. The Clerk is authorized to correct errors and omissions and make stylistic and technical changes to legislative documents or publications, including the Acts of the Legislature and the official bound Journal of the House to conform to legislative action.

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.

### **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.

## **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 or she shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed by the Speaker.

Under the direction of the Speaker, the Sergeant-at-Arms shall superintend the distribution of all documents and papers to be distributed to the members. He or she 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.

### **Doorkeeper**

#### **Duties**

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to have all messages announced. He or she shall have charge of the main door of the House 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.

#### **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.

#### **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.

#### **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.

**When Less Than Quorum Present**

28. In case a number less than a quorum of the House shall convene, they may send the Sergeant-at-Arms, or any other person or persons by them authorized, for any absent member 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.

**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.

**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.

**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.

Signs, banners, placards, and other similar demonstrative devices are not permitted in the House Chamber while in session.

**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 the decision shall be final and not open to debate or appeal.

**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.

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

35. When a member transgresses the rules of the House, the Speaker shall, or any member may, by rising, announcing a point of order, and stating the specific rule and provision of 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.

#### **Calling to Order for Words Spoken in Debate**

36. If a member be called to order for words spoken in debate, the person calling the member 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.

#### **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 or her and the Speaker.~~

#### **Limitation on Debate**

38. No member shall speak except in his or her place. No member shall speak until recognized by the Speaker, and may not be recognized to speak more than once on a question, except by leave of the House: *Provided*, That yielding to answer a question shall not count toward the limit of speaking once 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 once 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. A member recognized to ask questions does not count as speaking on the question.

#### **Members Not to Be Disturbed While Speaking**

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

40. Blank.

#### **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~~ ten percent of the members present.

### **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~~ ten percent 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.

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.

43. Blank.

### **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 is 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.

### **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 or her 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 or her vote by submitting a written explanation within 1 day after the vote to the clerk which ~~and the explanation shall be recorded in the Journal if he or she 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 by submitting a written explanation to the Clerk within 1 day after the vote, how the member would have voted if present and it shall be noted in the Journal.

### **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.

### **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 or herself, 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 or she 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.

## **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.

### **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 Mason's Manual of Legislative Procedure, 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.
8. Suspension of House Rules or Joint Rules of the Senate and House of Delegates.

### **Motions Not in Order**

56. All appropriations shall be made either (i) in the budget bill or (ii) in a bill providing for a supplementary appropriation. No motion directing the appropriation or payment of money shall be in order unless it be a motion to amend the budget bill or a bill providing for a supplementary appropriation.

### **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 or she 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.

### **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.

### **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 ninth order of business has been passed. A motion to lay on the table, or a motion to take from the table, is not debatable and shall be decided by a majority vote of the members present.

A motion to table a subsidiary motion does not affect the primary motion.

### **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 or she shall specifically state in his or her 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.

### **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.

### **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 introduce resolutions.
- VIII. To receive petitions.
- IX. Bills introduced on motion for leave and referred to appropriate committees.
- X. Motions.
- XI. To act on unfinished business of the preceding day, and resolutions reported from its final committee the previous day.
- XII. House and Senate Bills on third reading.

XIII. House and Senate Bills on second reading.

XIV. House and Senate Bills on first reading.

XV. To act upon leave of absence for members.

XVI. Introduction of Guests.

XVII. Miscellaneous business.

XVIII. Remarks by members of the House (held on each Wednesday, if requested by any member, and at a time designated by the Speaker).

### **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.

### **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, reports from standing committees, 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.

69. Blank.

### **Special Calendar**

70. 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.

## **Committees**

### **Kinds of Committees**

71. Committees may be of ~~four~~ five kinds, namely: Committee of the Whole House, Standing Committees, Standing Subcommittees, 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 Chair shall be appointed by him or her 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 Chair 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 once on the same subject, but the member 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 Chair. 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 and Standing Subcommittees**

~~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 Economic Development and Tourism~~
- ~~4. Committee on Education~~
- ~~5. Committee on Energy and Manufacturing~~
- ~~6. Committee on Finance~~
- ~~7. Committee on Fire Departments and Emergency Medical Services~~
- ~~8. Committee on Government Organization~~
- ~~9. Committee on Health and Human Resources~~
- ~~10. Committee on Interstate Cooperation~~
- ~~11. Committee on Jails and Prisons~~
- ~~12. Committee on the Judiciary~~
- ~~13. Committee on Pensions and Retirement~~
- ~~14. Committee on Political Subdivisions~~
- ~~15. Committee on Prevention and Treatment of Substance Abuse~~
- ~~16. Committee on Rules~~
- ~~17. Committee on Senior, Children, and Family Issues~~
- ~~18. Committee on Technology and Infrastructure~~
- ~~19. Committee on Veterans' Affairs and Homeland Security~~
- ~~20. Committee on Workforce Development~~

The following standing committees and standing subcommittees are established:

1. Education

A. Public Education Subcommittee

B. Higher Education Subcommittee

C. Educational Choice Subcommittee

2. Finance

A. Revenue Subcommittee

B. Banking and Insurance Subcommittee

C. Investments Subcommittee

D. Appropriations Subcommittee

3. Government Organization

A. Government Administration Subcommittee

B. Local Government Subcommittee

C. Agriculture, Commerce and Tourism Subcommittee

4. Health and Human Resources

A. Public Health Subcommittee

B. Human Services Subcommittee

C. Health Care Regulation Subcommittee

5. Judiciary

A. Courts Subcommittee

B. Homeland Security Subcommittee

C. Legal Services Subcommittee

6. Energy and Public Works

A. Energy and Manufacturing Subcommittee

B. Economic Development Subcommittee

C. Environment and Infrastructure Subcommittee.

7. Committee on Rules

**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, entomology 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 Economic Development and Tourism: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; (g) tourism; and (h) commerce generally.~~

~~4. Committee on Education: (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.~~

~~5. Committee on 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; (d) alternative energy development and efficiency measures; and (e) manufacturing generally.~~

~~6. 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.~~

~~7. Committee on Fire Departments and Emergency Medical Services: (a) Fire departments; (b) emergency medical technicians; and (c) other emergency responders.~~

~~8. 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.~~

~~9. 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.~~

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

~~11. Committee on Jails and Prisons: To receive testimony, consider legislation, and recommend action regarding corrections in the State of West Virginia.~~



~~12. 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.~~

~~13. 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.~~

~~14. 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.~~

~~15. Committee on Prevention and Treatment of Substance Abuse: Issues relating to and regarding the prevention and treatment of substance abuse.~~

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

~~17. 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.~~

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

~~19. Committee on Veterans' Affairs and Homeland Security: (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs.~~

~~20. 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.~~

### **The Committee on Rules**

77. The Committee on Rules shall consist of not less than 15 nor more than 25 members, which number shall include the Speaker, Majority Leader and Minority Leader and shall be made proportionate to representation of parties in the House. The Committee on Rules shall:

(a) Set the special calendar as provided in Rule 70;

(b) Review and discuss House rules, joint rules, order of business and parliamentary rules in general;

(c) Review and consider the election and qualification of members of the House and state officers, privileges of members and officers of the House;

(d) Recommend the appropriate punishment of members of the House for disorderly conduct or breach of privilege; and recommend the appropriate 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;

(e) Act upon a complaint from a person alleging misconduct, which includes sexual harassment and retaliation, a violation of state law, or a violation of this code of ethics by a member;

(f) Review and consider resolutions referred to the Committee on Rules pursuant to Rule 110.

The rules 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) Considering and taking action on charges against a member of the House; or

(4) Investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons.

A vote in executive session on a definitive action shall be made available to the public.

### **Composition of Standing Committees and Standing Subcommittees**

~~78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members and all other~~ A standing committee shall consist of not less than 15 nor more than 25 members and may be made proportionate to representation of parties in the House. A subcommittee of a standing committee shall consist of not less than 7 nor more than 15 members and shall be made proportionate to representation of parties in the House. ~~except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 11, or in such number as may be determined by the Speaker. If the membership of a recognized political party is less than ten percent of the house membership, the Speaker may appoint at least one member from that recognized political party.~~

#### **Duties of Committees –**

~~79. The several standing committees~~ A committee shall ~~may not only~~ consider matters specifically referred to ~~them, but it, and~~ whenever deemed practicable suggest ~~such~~ legislation ~~as will provide upon general principles for all similar cases in its subject matter jurisdiction.~~ ~~It shall be the duty of each committee~~

A committee shall ~~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.

The Chair of a committee may invite public officials, public employees and private individuals to appear before the committee for the purpose of submitting information to it. A committee may maintain a continuous review of the work of the state agencies concerned with its subject matter jurisdiction and the performance of the functions of government within its subject matter jurisdiction. The Chair of a committee may request reports from time to time, in a form as the standing committee or standing subcommittee designates, concerning the operation of any state agency and presenting any proposal or recommendation the agency may have with regard to existing laws or proposed legislation in its subject area.

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

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

When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it, he 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.

#### **Reports of Committees**

81. ~~The several A standing committees committee~~ shall have leave to report by bill or otherwise. ~~All A standing committees committee~~ shall submit ~~their~~ its reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. ~~Committee Chairs 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.~~

A standing subcommittee shall have leave to report by bill or otherwise. A standing subcommittee shall submit its reports to its standing committee on any matter referred to it.

### **Discharging Committee or Standing Subcommittee 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 Chair of a committee may move that his or her committee be discharged from consideration of the matter at any time after commitment.

When a bill or resolution has been in the hands of a standing subcommittee five legislative days after having been referred to it, the standing subcommittee may be discharged from further consideration of the bill or resolution by a majority vote of all the standing subcommittee members present. The Chair of the standing committee or standing subcommittee may move that his or her standing subcommittee be discharged from consideration of the matter at any time after commitment.

### **Committee Meetings**

83. A standing committee and standing subcommittee shall meet only within the dates, times, and locations designated or authorized by the Speaker. Meetings of all committees a committee shall be upon a call of the Chair, but no committee shall sit during a session of the House without leave of the House. The chair of a committee shall determine the agenda for a committee meeting. It shall be the duty of The Chair of a committee to ~~shall~~ 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 Chair of any committee to call a meeting of such committee upon the request of a member, then fifty percent plus one 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 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.~~

#### **Witnesses Before Committees**

A committee shall administer oaths to any person, except current members or employees of the West Virginia Legislature, appearing before the committee at any meeting 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 Chair and any member of the committee. The Clerk of the House, the Chair of the committee and, in the absence of the Chair, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

#### **Open Meetings**

83a. A committee meeting shall be open to the public, except as provided for in 83c. The Chair of a committee shall 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. In case of failure of the Chair of a committee to call a meeting of the committee, a member may request with fifty percent plus one or more of the members of the committee shall have a right to call a meeting of the committee.

An agenda shall be posted and made available to the public on the legislature's website. The agenda shall include the date, time, and place of the meeting, the number and short title of each bill or resolution to be considered, or a subject matter being considered.

#### **Committee Process**

83b. A bill, resolution or other legislative matter referred to a committee shall pass through a prescribed deliberative process before being reported to the House for consideration, unless it is sooner discharged from committee. To complete the deliberative process, the bill shall undergo on separate days: a hearing; a markup; and a discussion.

A hearing consists of examining proposed legislation; a sponsor explaining the legislation and answering questions; and the taking of testimony.

A markup consists of the review and consideration of changes to legislation. A member proposing an amendment shall electronically submit the amendment to the clerk of the committee by 3 P.M. the day preceding the committee meeting. This deadline does not apply to a proposed committee substitute or proposed committee amendment.

A discussion consists of a committee counsel's explanation of the bill, amendments or substitute; questions of counsel; debate; and consideration of recommending action to the House.

### **Executive Session of a Committee**

83c. A committee may, by a majority vote of the members present, hold an executive session for the specific purposes of: (1) conducting committee discussion of state government personnel; or (2) investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons. A vote of any definitive action shall be made available to the public.

### **Filing of prepared statements**

83d. A person may file with the committee a prepared statement concerning a bill or resolution or matter under consideration by a committee placed upon an agenda, and the committee records shall reflect receipt of the statement and the date and time thereof.

A person who files a prepared statement which contains data or statistical information shall include in the prepared statement sufficient information to identify the source of the data or statistical information. If the source of the statistical information is not provided, the Chair of the committee may decide not to accept the prepared statement. For the purposes of this rule, the term "source" shall mean a publication, website or person from which the data or statistical information contained in the prepared statement was obtained by the person or persons who prepared the statement.

### **~~Public Hearings Internet Broadcast of Proceedings~~**

~~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.~~

~~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, 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.~~

Legislative proceedings in the House Chamber shall be broadcast live via the Internet on each legislative day of a session. Audio of the legislative proceedings occurring in House committee rooms shall be broadcast live via the Internet on each legislative day of a session. This audio shall be archived on the Legislature's website for the duration of the legislative session. The provisions of this rule shall apply only to legislative proceedings which occur in the State Capitol. The audio and video records created pursuant to this rule are not an official record of a legislative proceeding. The failure to broadcast or record a legislative proceeding does not prohibit legislative action or otherwise impair the business of the House.

### **~~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 Chair and any member of the committee. The Clerk of the House, the Chair of the committee and, in the absence of the Chair, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.~~

### **~~Committee Clerks~~**

~~85. The Speaker shall assign to the various committees such clerks and other clerical 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 Chair of the respective committees may direct.~~

85. Blank

### **~~Committee Records~~**

~~86. The Chair of each The clerk of a committee shall keep or cause to be kept, a record of a meeting in which there shall be entered: contains:~~

(a) ~~The date, time and place of each hearing, and of each the meeting; of such committee.~~

(b) ~~The attendance presence and absence 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 on whose behalf such appearance is made, and oath.~~

(d) The bill, resolution, and other matters considered, by number where appropriate; and informational material provided to the committee;

(e) Action of the committee; and

(f) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a ye and nay vote is taken or the number of the vote when division is requested.

~~Such a~~ The record shall be read and reviewed and approved at the next regular meeting of the committee. The approved committee minutes are the official records 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 members 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 of any committee presents its recommendations after the report of the committee has already been received, it shall still be printed in the Journal.

### **House Rules to Govern Committee Proceedings**

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 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.

### **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. 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.

### **Bills to Be Presented for Introduction**

93. All bills for introduction shall be presented 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~~ electronic version shall constitute the official bill ~~for use of committees and~~ for the permanent files of the House.

### **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.

### **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.

### **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.

### **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 as listed in the chamber automated system 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.~~

### **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 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.

All measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly endorsed thereon.

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

### **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 endorsed on 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.~~

### **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.

### **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.

### **Reporting Bills from Committee**

98. When a bill is reported from standing 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, unless a new bill, in the form of a committee substitute, be reported. In such case, the committee substitute shall be placed on the calendar for the succeeding day and come up on first reading.

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 standing 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.

Blank.

99. Blank.

### **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 or she 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.

### **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 once introduced and printed version of all bills shall be made available when requested from the Legislative Print Shop.

### **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 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.

### **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.

### **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.

### **Introduction of Resolutions**

109. All resolutions to be introduced in the House shall be filed with the Clerk. The different classes of resolutions shall be numbered by the Clerk and their title entered in the Journal.

### **Action on Resolutions**

110. Upon introduction, all resolutions shall be read by their titles and referred to the appropriate committee. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the eleventh 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.

## **Amendments**

### **Filing of Amendments for Floor Session**

112. Amendments are to be submitted to the Clerk in writing and a duplicate copy is to be filed electronically.

### **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.

Committee counsel may report out a committee substitute in the event the committee reports out a double-referenced bill with amendment and the second reference is waived. Committee counsel may create a committee substitute for a committee substitute.

### **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.

### **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.

**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 refuse to recede 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 made available and printed copies are to be available on request prior to the start of the next session.

### **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 only on the request of the Member making such address.

### **Amending or Rescinding 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.

### **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.

### **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, the precedence of parliamentary authority for the House of Delegates shall be: (1) The Constitution of the State of West Virginia; (2) Mason's Manual of Legislative Procedure, 2020 Edition; and (3) Jefferson's Manual and the Digest of the Rules and Practices of the House of Representatives of the United States Congress.

### **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~~ approved 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. 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 House Chamber.

At the direction of the Speaker, the west or center balcony of the House Chamber may 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.

#### **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.~~

#### **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~~ House Chamber 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.

#### **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. in the House Chamber, when the House is in session.~~ If any person not a member while within the House 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 or she shall be removed from the House 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.

#### **~~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.~~

### **News Correspondents and Reporters**

138. (a) Any person accorded the privilege of the press gallery or press table ~~must~~ shall be a professional journalist employed at a recognized media outlet, ~~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. Seating or access to the designated press tables, galleries or seating areas shall be on a first come first served basis or ~~on any such rotation agreed upon among members of the press.~~ as the Speaker sees fit.

(b) ~~All applications~~ An application for admission to the press gallery or press table ~~must~~ media floor privileges shall be made yearly to the Speaker or ~~any such representative~~ a designee as he or she may appoint. Such applications shall state the name and location of the media organization ~~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. The Speaker or the ~~representative he or she appoints~~ designee shall reserve the right to refuse the issuance of or to revoke ~~media credentials~~ a correspondent's card at his or her discretion, in accordance with the published guidelines for media.

(c) The Speaker or his or her designee(s) shall verify statements made in ~~such the~~ the application, and if the application is approved, ~~they shall issue~~ a correspondent's card shall be issued.

(d) ~~The Correspondents~~ A correspondent shall take his or her place in the House Chamber before the gavel, may not re-enter the House Chamber upon leaving, may 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.~~ Failure or refusal to abide by ~~such the~~ the rules may result in revocation of ~~press credentials.~~ the correspondent's card.

(e) The correspondents' cards ~~issued by the Speaker must~~ shall be presented when required by ~~any the~~ the Sergeant-at-Arms, Doorkeeper or other employee of the House. It shall not be transferable. The transfer or loan of ~~such the~~ the card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the ~~correspondent so offending~~ media organizations.

(f) The gallery, press tables or seating areas allotted to ~~journalists~~ correspondents' card holders shall be designated by the Speaker or Chair of the committee using the House Chamber or committee rooms. These areas ~~will~~ shall be reserved for the exclusive use of ~~the press,~~ correspondents' card holders, and ~~persons~~ a person not holding correspondents' cards shall not be entitled to admission. ~~thereto.~~

### **Use of electronic communication devices prohibited**

139. Unless authorized by the Speaker, no person may use a cell phone to make or receive a call on the House Chamber during a session. Members are prohibited from communicating by any means with any person not in the House Chamber, 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.

Technical corrections.

140. Legal counsel may make non-substantive corrections of technical drafting and clerical errors with regard to matters considered and reported upon by the committee. If the corrections do not entail a matter of policy or of law which would be properly addressed and considered by the committee.

141. Blank

**Oaths**

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

Delegate McGeehan asked and obtained unanimous consent that the Speaker be authorized to create a Select Committee on Rules.

Without objection, the resolution (H. R. 1) was then referred to the Select Committee on Rules.

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

**H. R. 2** – “Authorizing the printing and distribution of Acts of the Legislature, Journals of the House of Delegates, 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 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 2025 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 first regular session of the 87th 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.

II. 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.

III. 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 87th Legislature.

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

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

**H. R. 3** – “Authorizing the appointment of employees for this, the First Regular Session of the Eighty-seventh Legislature, Two Thousand Twenty-five”

*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:

Eleven Legislative Assistants at \$115.00 - \$160.00

Four Clerks at \$115.00 - \$185.00

One Analyst at \$150.00

Seven Attorneys at \$200.00 - \$450.00

One Doorkeeper at \$165.00

Ten Assistant Doorkeepers at \$115.00

One Sergeant-at-Arms at \$165.00

One Head Page at \$145.00

One Assistant Head Page at \$135.00

(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 one hundred thousand three hundred dollars per year;

One Operations Clerk at fifty-eight thousand two hundred dollars per year;

One Documents Clerk at fifty thousand two hundred dollars per year;

One Communications Director to the House at eighty-five thousand two hundred dollars per year;

One Chief of Staff at one hundred ten thousand two hundred dollars per year;

One Counsel to the Speaker at one hundred thirty thousand two hundred dollars per year;

One Assistant to the Speaker at eighty-seven thousand two hundred dollars per year;

One Analyst to the Speaker at fifty-eight thousand seven hundred dollars per year;

One Analyst to the Speaker at fifty-five thousand two hundred dollars per year;

One Analyst to the Majority Whip at forty-seven thousand two hundred dollars per year;

One Facilities Staff at thirty-five thousand nine hundred dollars per year;

One Facilities Manager at fifty-five thousand two hundred dollars per year;

One Chief Counsel to the Committee on the Judiciary at one hundred one thousand seven hundred fifty dollars per year;

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

One Administrative Assistant to the Committee on the Judiciary at fifty-eight thousand two hundred dollars per year;

One Chief Counsel to the Committee on Education at one hundred one thousand two hundred dollars per year;

One Legislative Assistant to the Committee on Education at fifty-six thousand two hundred dollars per year;

One Analyst to the Committee on Education at fifty thousand two hundred dollars per year;

One Budget Analyst to the Committee on Finance at forty-seven thousand seven hundred fifty dollars per year;

One Budget Analyst to the Committee on Finance at sixty-two thousand nine hundred dollars per year;

One Senior Policy Analyst to the Committee on Finance at seventy-one thousand two hundred dollars per year;

One Administrative Assistant to the Committee on Finance at fifty thousand two hundred dollars per year;

One Administrative Assistant to the Committee on Government Organization at fifty-two thousand seven hundred fifty dollars per year;

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

One Chief counsel to the Committee on Government Organization at ninety-four thousand nine hundred dollars per year;

One Chief Counsel to the Committee on Health and Human Resources at one hundred thirteen thousand two hundred dollars per year;

One Administrative Assistant to the Committee on Health and Human Resources at fifty-three thousand seven hundred dollars per year;

One Analyst to the Committee on Health and Human Resources at sixty-three thousand two hundred dollars per year;

One Chief Counsel to the Economic Development Committee at ninety-eight thousand seven hundred fifty dollars per year;

One Chief Counsel to the Technology and Infrastructure Committee at one hundred one thousand one hundred twenty dollars per year;

One Chief Counsel to the Energy and Public Works Committee at ninety-seven thousand two hundred dollars per year;

One Analyst to the Technology and Infrastructure Committee at fifty-five thousand nine hundred dollars per year;

One Clerk to the Energy and Public Works Committee at fifty-five thousand seven hundred fifty dollars per year;

One Senior Clerk to the Judiciary Committee at fifty-eight thousand nine hundred dollars per year;

One Chief Counsel to the Subject Matter Committees at one hundred thousand two hundred dollars per year;

And,

One Analyst to the Minority Leader at sixty thousand two hundred 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 respective requests of Delegate McGeehan, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.



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

**H. R. 4** – “Declaring a vacancy in the Ninety-First Delegate District of the West Virginia House of Delegates due to the failure to take the Oath of Office by the Delegate Elect as required by Article VI, Section 16 of the Constitution of West Virginia”

Whereas, The West Virginia House of Delegates finds that civil and respectful debate and behavior is a foundational principle of a free society; and

Whereas, The West Virginia House of Delegates vehemently condemns any menace, acts of violence, or terroristic threats directed at any of its members occasioned by their service to the State of West Virginia; and

Whereas, Members of the West Virginia House of Delegates have an absolute right to be safe and feel secure from threats and/or acts of violence directed at them, and in no manner shall the members be intimidated due to their membership in the House of Delegates; and

Whereas, On or about December 11, 2024, Delegate-Elect Joseph A. DeSoto threatened to kill several members of the West Virginia House of Delegates claiming he was directed by God to do so; and

Whereas, On December 11-12, 2024, the allegations against Delegate-Elect DeSoto were investigated by the West Virginia State Police. Evidence from that investigation was presented to the Magistrate Court of Berkeley County, West Virginia which found probable cause the alleged statements were feloniously made. The Court then issued an arrest warrant for Delegate-Elect DeSoto on charges of making terroristic threats against public officials. Delegate-Elect DeSoto was subsequently arrested; and

Whereas, On December 23, 2024, the Magistrate Court of Berkeley County conducted a felony preliminary hearing and bound Delegate-Elect DeSoto over to the Berkeley County Grand Jury. Delegate-Elect DeSoto was released on bond and placed on home confinement as term and condition of that bond. Delegate-Elect DeSoto will remain on bond and thus on home confinement until he is either indicted or until after the passing of three terms of court which will not occur for more than a year from the date of arrest; and

Whereas, Two members of the House of Delegates petitioned their respective Magistrate Courts for Personal Safety Orders which were granted. Pursuant to the terms of the Personal Safety Orders, Delegate-Elect DeSoto is not permitted any contact with said Delegates and is not permitted to be in their presence. Violation of the terms of the Personal Safety Order are grounds for immediate arrest. The order is in effect until at least ten (10) days following the conclusion of the 2025 Regular Legislative Session; and

Whereas, Article VI, Section 16 of the Constitution of West Virginia requires each legislator take the Oath of Office in the hall of the house to which the member is elected to qualify. Failure to take the Oath of Office as required results in a forfeiture of the seat; and

Whereas, The Eighty-Seventh Regular Session of the West Virginia Legislature commenced on January 8, 2025, when the Delegates and Delegates-Elect took their Oaths of Office in accordance with Article VI, Section 16, or having made other arrangements to do so; and

Whereas, On January 8, 2025, Delegate-Elect DeSoto failed to take the Oath of Office in compliance with Article VI, Section 16 of the Constitution of West Virginia and is not reasonably expected to do so at any point in the future; and

Whereas, Article VI, Section 24 of the Constitution of West Virginia empowers the House of Delegates to be the exclusive judge of the qualifications of the delegates-elect prior to the delegates-elect being seated as members of the House; and

Whereas, The House of Delegates has determined that Delegate-Elect Joseph DeSoto does not qualify to serve as a member of the West Virginia House of Delegates, having failed to take the Oath of Office.

*Resolved by the House of Delegates, a majority of the members being present and voting concurring herein:*

The House of Delegates hereby declares vacant the seat heretofore designated for Delegate-Elect Joseph A. DeSoto, of the County of Berkeley, Ninety-First Delegate District in that he failed to take the Oath of Office; and, be it

*Further Resolved*, That the Clerk of the House certify a copy of this Resolution, and that the Sergeant at Arms of the House of Delegates deliver the same to Mr. Joseph A. DeSoto, or his agent, or post the same at his residence at his last known address in Gerrardstown, Berkeley County, West Virginia; and, be it

*Further Resolved*, That the Speaker of the House of Delegates transmit a letter to the Governor of the State of West Virginia, and to the Republican Executive Committee of the County of Berkeley, Ninety-First Delegate District, of this definitive action by the House.

At the respective requests of Delegate McGeehan, 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.

Delegate Pushkin moved to amend the resolution on page 4, line 2, by striking out the word "Republican" and inserting in lieu thereof the word "Democratic".

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

The resolution (H. R. 4) was then adopted.

At 3:15 p.m., on motion of Delegate McGeehan, the House of Delegates adjourned until 12:00 noon, Wednesday, February 12, 2025, pursuant to H. C. R. 3.

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











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