

## Senate Resolution 5

By: Senators Williams of the 19th, Rogers of the 21st and Balfour of the 9th

**ADOPTED SENATE****A RESOLUTION**

1 Adopting the Rules of the Senate; and for other purposes.

2 BE IT RESOLVED BY THE SENATE that the Rules of the Senate in effect at the  
3 adjournment of the 2008 Regular Session of the General Assembly are hereby adopted as the  
4 Rules of the Senate for the 2009 Regular Session and for the duration of this General  
5 Assembly, with the following amendments:

6 **SECTION 1.**

7 Said rules are amended in Rule 3-1.2 by redesignating subsections (c) through (e) as (d)  
8 through (f) and by revising subsection (b) and adding a new subsection (c) as follows:

9 "(b) No general Senate bill or resolution, including any House bill or resolution, having the  
10 effect of law shall be introduced or read the first time and referred to any committee after  
11 the thirty-ninth (39th) day of any odd-numbered regular session or after the thirtieth (30th)  
12 day of any even-numbered regular session. The provisions of this paragraph shall in no  
13 case be suspended except by a two-thirds (2/3) vote of the members to which the Senate  
14 is entitled.

15 (c) No general House bill or resolution having the effect of law shall be accepted by the  
16 Secretary of the Senate for first reading and referral to committee after the thirtieth (30th)  
17 day of any regular session. Referral of House legislation received on the thirtieth (30th)  
18 legislative day may be made during the Order of Business of First Reading and Reference  
19 of House Bills and Resolutions on the thirty-first (31st) legislative day. The provisions of  
20 this paragraph shall in no case be suspended except by a two-thirds (2/3) vote of the  
21 members to which the Senate is entitled."

22 **SECTION 2.**

23 Said rules are further amended by revising Rule 4-2.1 as follows:

24 "4-2.1 Daily Order of Business

25 (a)1. Report of the Committee on the Journal.

26 2. Reading of the Journal.

- 27 3. Motions to Reconsider.
- 28 4. Confirmation of the Journal.
- 29 5. Introduction of Bills and Resolutions.
- 30 6. First Reading and Reference of Senate Bills and Resolutions.
- 31 7. First Reading and Reference of House Bills and Resolutions, which shall also be in
- 32 order at any later time when no other business is pending.
- 33 8. Reports of Standing Committees.
- 34 9. Second Reading of General Bills and Resolutions.
- 35 10. Call of the Roll.
- 36 11. Recitation of the Pledge of Allegiance.
- 37 12. Prayer of the Chaplain.
- 38 13. Unanimous Consents.
- 39 14. Points of Personal Privilege.
- 40 15. Adoption of Privileged Resolutions.
- 41 16. Motions to withdraw bills or resolutions from one committee and commit to another
- 42 committee.
- 43 17. Passage of Local Uncontested Bills and Resolutions, which shall also be in order at
- 44 any later time when no other business is pending.
- 45 18. Consideration of Local Contested Bills and Resolutions, which shall also be in order
- 46 at any later time when no other business is pending.
- 47 19. General Consent Calendar for Commemorative Resolutions.
- 48 20. Motions to Engross.
- 49 21. Third Reading and Consideration of General Bills and Resolutions.
- 50 (b) The order of business shall in no case be changed except by two-thirds (2/3) vote of the
- 51 members to which the Senate is entitled, unless prohibited by any other rule of the Senate.
- 52 (c) Motions to change the order of business are not debatable."

53 **SECTION 3.**

54 Said rules are further amended in Section 4-2.2 by revising subsection (a) as follows:

55 "(a) The ~~report~~ reports of the Committee on Rules and the Committee on State and Local

56 Governmental Operations for local legislation shall be in order at any time, and messages

57 from the Governor or from the House may be received under any order of business.

58 Messages may be received at any time while the door is open, except while a question is

59 being put or a ballot or a voice vote is being taken."

60 **SECTION 4.**

61 Said rules are further amended in Section 4-2.4 by revising subsection (b) as follows:

62 "(b) Before reading any bill or resolution the second or third time, the Secretary of the  
 63 Senate shall distinctly state its number and the name of the Senator(s) by whom introduced.  
 64 Provided, that the General Appropriations Bill and any supplemental appropriations bills  
 65 shall have precedence on third reading over all other matters, even Special Orders, until  
 66 final disposition of the said ~~Bills~~ bills.

67 **SECTION 5.**

68 Said rules are further amended in Section 4-2.9 by revising subsection (a) as follows:

69 "(a) All local bills on the Local Consent Calendar, which must be placed on each Senator's  
 70 desk no less than one hour before the time of convening, shall be put to the Senate for a  
 71 vote on the electronic roll call system as a group at the time provided in the order of  
 72 business, and the question shall be whether all bills on the Local Consent Calendar shall  
 73 pass. The 'one hour before convening' provision of this rule shall not apply to a  
 74 Supplemental Local Calendar during the last three days of a regular session."

75 **SECTION 6.**

76 Said rules are further amended by revising Rule 4-2.11 as follows:

77 "4-2.11 Bills Placed on Desk; Calendar Changes

78 No General bill or resolution shall be put for final passage unless the same has been put on  
 79 a calendar and placed on each Senator's desk no less than one hour prior to the time of  
 80 convening on the date of passage. The Secretary of the Senate shall put all bills which  
 81 appear on the prepared calendar and which may be considered that day in order on the  
 82 Senators' desks. The calendar can be changed by a vote of two-thirds of the Senators  
 83 voting, provided such two-thirds constitutes a majority of the members elected to the  
 84 Senate. ~~Nothing in this Rule shall apply to local bills or local resolutions."~~

85 **SECTION 7.**

86 Said rules are further amended in Section 5-1.8 by revising subsection (d) as follows:

87 "(d) No Senator shall vote upon any question if the Senator or any member of the Senator's  
 88 immediate family has a direct pecuniary interest in the result of such vote which interest  
 89 is distinct, unique or peculiar to the Senator or the Senator's immediate family. Unanimous  
 90 consent to be excused under this rule should be moved verbally."

91 **SECTION 8.**

92 Said rules are further amended in Section 6-1.1 by revising subsection (a) as follows:

93 "(a) After a motion is stated by the President, or read by the Secretary of the Senate, it shall  
 94 be deemed to be in the possession of the Senate, but may be withdrawn by unanimous  
 95 consent or when approved by a majority of a quorum at any time before decision."

96 **SECTION 9.**

97 Said rules are further amended by revising Section 6-7.1 as follows:

98 "6-7.1 Timing and Notice

99 (a) Before ~~any action~~ a bill or resolution can be reconsidered upon its initial passage or  
 100 loss, notice of intention to so move must be given to the Senate during the legislative day  
 101 on which the action sought to be reconsidered took place. The notice cannot be withdrawn  
 102 and any Senator can move for reconsideration the following legislative day.

103 (b) When the Journal of the preceding day is read, any Senator may move for  
 104 reconsideration of any matter therein contained, except such matter that has been  
 105 previously reconsidered or transmitted to the House of Representatives.

106 (c) A notice of motion to reconsider a bill or resolution shall take precedence over a motion  
 107 to transmit and shall have the effect of defeating the motion to transmit; except on the  
 108 thirtieth (30th) day and during the last three (3) days of any regular session, a Senator must  
 109 give notice immediately of his or her intention to move to reconsider, and the President or  
 110 the designee of the President shall set a time during the day when the motion will be  
 111 entertained, so stating the time to the Senate; the time shall be at the discretion of the  
 112 President or the designee of the President, but not less than ten minutes. If the Senate is  
 113 considering any other business at the time the motion to reconsider has been set to be  
 114 entertained, the motion will be taken up upon conclusion of that business.

115 (d) A motion to reconsider actions listed in Section 7-1.10 is in order only when the motion  
 116 is adopted by the requisite majority of votes, and must be made immediately upon the  
 117 passage of said motion. A motion that fails need not be reconsidered as the failure to  
 118 receive the requisite majority of votes results in no action by the Senate."

119 **SECTION 10.**

120 Said rules are further amended by revising Rules 6-9.2 through 6-9.5 as follows:

121 "~~6-9.2 Motion to Take Up Out of Order; Special Orders~~

122 ~~(a) Every motion or request to take up general bills or resolutions out of their regular order~~  
 123 ~~and every motion or request for special orders shall be decided by a two-thirds' (2/3) vote~~  
 124 ~~of the members to which the Senate is entitled.~~

125 ~~(b) Upon a motion by any Senator, a Special Order or a Special Order Resolution may be~~  
 126 ~~taken up by the Senate at any time following the conclusion of the current business before~~  
 127 ~~the Senate.~~

128 ~~(c) Motions to change the order of business are not debatable.~~

129 ~~6-9.3 Suspension of Rules~~

130 ~~(a) The rules of the Senate shall in no case be suspended or changed or the order of~~  
 131 ~~business changed except by two-thirds of the members voting, if such two-thirds constitute~~  
 132 ~~a majority of the members elected to the Senate, unless prohibited by any other rule of the~~  
 133 ~~Senate.~~

134 ~~(b) Any request for unanimous consent to suspend the Rules shall be decided without~~  
 135 ~~debate.~~

136 ~~6-9.4~~ 6-9.2 Motions Containing New Matters

137 Any motion not privileged, containing new matters, shall lie at least one day on the table.

138 ~~6-9.5~~ 6-9.3 Call of the Senate

139 Upon the call of the majority of Senators, ordinary and extraordinary, the names of the  
 140 absentees shall be noted by the Secretary of the Senate, and shall appear in the Journal with  
 141 a notation of those previously excused."

#### 142 **SECTION 11.**

143 Said rules are further amended in Rule 7-1.6 by revising subsection (b) as follows:

144 "(b) However, when the Senate adopts a substitute to any bill or resolution other than one  
 145 offered by the committee from which the bill was last reported, passage of the bill shall be  
 146 suspended at that time. The bill shall then be placed at the top of the ~~General~~ Calendar of  
 147 the next meeting day of the Senate, at which time the previously adopted substitute shall  
 148 stand automatically reconsidered and the substitute and the bill shall be before the Senate  
 149 for consideration and passage. On and after the fifth (5th) legislative day of any regular  
 150 session, the adopted substitute and bill shall be placed on the General Calendar, subject to  
 151 being placed on the Rules Calendar by the Rules Committee. Any amendment offered by  
 152 a Senator which contains more than three pages or is more than one-half the length, by  
 153 lines or words, of the document which it amends (whichever is less) shall be treated as a  
 154 substitute for the purposes of this subsection."

#### 155 **SECTION 12.**

156 Said rules are further amended by revising Section 7-1.10 as follows:

157 "~~7-1.10 House Amendments to Senate Bills~~ Special Action Procedures

158 (a) The questions which arise before the Senate respecting ~~amendments~~ actions taken by  
 159 the House ~~to a Senate bill or resolution~~ are, in order of precedence:

160 1st- A motion to agree to the House amendment as amended by the Senate. This motion  
 161 shall be considered to be out of order if the bill or resolution has been engrossed by  
 162 the Senate pursuant to 6-9.1.

- 163 2nd- A motion to agree to the House amendment.
- 164 3rd- A motion to disagree with the House amendment.
- 165 4th- A motion to recede from the Senate's ~~disagreement or amendment~~ or disagreement  
166 to the House amendment.
- 167 5th- A motion to insist on the Senate's ~~disagreement or amendment~~ or disagreement to  
168 the House amendment.
- 169 6th- A motion to adhere to the Senate's ~~disagreement or amendment~~ or disagreement to  
170 the House amendment and appoint a committee of conference.
- 171 (b) Upon a motion by any Senator, a Special Order or a Special Order Resolution may be  
172 taken up by the Senate at any time following the conclusion of the current business before  
173 the Senate.
- 174 (c) When the Senate passes a bill or resolution and sends it to the House, parliamentary  
175 procedures that extend the amendment process possibilities include:
- 176 (1) The House amends the bill or resolution and returns it to the Senate (first degree  
177 amendment).
- 178 (2) The Senate then may offer an amendment (which itself is amendable one time and in  
179 this case Rule 7-1.5 shall not apply) to amend the amendment adopted by the House,  
180 unless the bill or resolution had been engrossed in the Senate, and return the bill or  
181 resolution to the House (second degree amendment).
- 182 ~~(b)~~ (d) The President, upon point of order being made, shall state his or her opinion  
183 whether a House amendment to a Senate bill is germane. If in the opinion of the President  
184 the House amendment is not germane, it shall be ruled out of order. The effect of such  
185 ruling if not appealed from or if appealed from and the appeal not sustained, shall be the  
186 same as a vote of the Senate to disagree, and as such the Secretary shall so report it to the  
187 House. Such point of order shall take precedence over a motion to agree.
- 188 ~~(c) When any bill or resolution which originated in the Senate has been amended in the~~  
189 ~~House, and is before the Senate for action on the House amendment, one amendment may~~  
190 ~~be offered in the Senate to the House amendment unless the bill or resolution has been~~  
191 ~~engrossed by the Senate pursuant to Rule 6-9.1. A proposed Senate amendment to the~~  
192 ~~House amendment may itself be subject to one amendment, and in this respect Rule 7-1.5~~  
193 ~~shall not apply.~~
- 194 ~~(d)~~ (e) A House amendment to a Senate bill or resolution must be adopted by the vote  
195 required to pass the bill or resolution."

196 **SECTION 13.**

197 Said rules are further amended in Section 9-1.8 by revising subsection (c) as follows:

198 "(c) The Lieutenant Governor ~~shall be allowed to~~ may name ~~no more than forty (40)~~  
199 unlimited pages during ~~the~~ any regular session.

200 **SECTION 14.**

201 Said rules are further amended by revising Rule 10-1.2 as follows:

202 "10-1.2 Waiver and Suspension of Rules

203 (a) The rules may be suspended by unanimous consent or with the consent of two-thirds  
204 (2/3) of the members to which the Senate is entitled without referral to the Committee on  
205 Rules, when not prohibited by the law or the Constitution.

206 (b) Any request for unanimous consent to suspend the Rules shall be decided without  
207 debate."