

SENATE RESOLUTION NO. 1

Establishing the Rules of the Senate.

Agreed to by the Senate, January 11, 2012

RESOLVED by the Senate of Virginia, That the following are adopted as the Rules of the Senate to supersede all previous Rules of the Senate:

RULES OF THE SENATE

I.

Presiding Officer.

1. The presiding officer of the Senate shall be the Lieutenant Governor of the Commonwealth as the President of the Senate in accordance with Article V, Section 14, of the Constitution.

2 (a). There shall be elected by the Senate, on the first day of the session following the election of the Senate, a President pro tempore who shall serve for a term of four years and be a senior member in the Senate.

2 (b). In the event of the absence, disability or vacancy in the office of the Lieutenant Governor, the President pro tempore shall carry out the duties of the Lieutenant Governor as presiding officer. Further, the President pro tempore shall be the ~~Chairman~~ Chair of the Commission on Interstate Cooperation of the Senate.

2 (c). The President pro tempore shall have the right to name in open session, or if he is absent, in writing, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond an adjournment of a daily session, except by unanimous consent of those present.

2 (d). In the event of a vacancy in the office of the Lieutenant Governor, or whenever the powers and duties of the Governor shall devolve upon the Lieutenant Governor, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the presiding officer during his absence; and the Senator so named shall have the right to name, in open session, or in writing, if he is absent, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond adjournment of a daily session, except by unanimous consent of those present.

3. The presiding officer, after taking the Chair pursuant to these Rules, and a quorum being present, shall cause the Journal of the preceding day to be read. The reading of the Journal may be waived by a majority of those Senators present and voting. The reading of the Journal may be waived at a reconvened session of a special session by at least two members present and voting, only if there is no business to consider in accordance to Article IV, Section 6 of the Constitution of Virginia. Any errors in the entries shall be corrected, and the Journal being found correct, shall be signed by the presiding officer for that day and the Clerk of the Senate. The Journals, when so signed, shall be the official records of the proceedings of the Senate.

4. If any question is put upon a bill or resolution, the presiding officer shall state the same without argument.

II.

Membership, Attendance, and Adjournment.

5. A member of the Senate shall be a Senator elected to represent one of the 40 senatorial districts. A majority of Senators shall constitute a quorum to do business; two may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. However, not less than 16 may meet by proclamation of the Governor under the provisions of Article IV, Section 8, of the Constitution. At a special session or a reconvened session of a special session when there is no business to consider in accordance with Article IV, Section 6 of the Constitution of Virginia, two members may convene the Senate, dispense with the reading of the Journal, recess or adjourn the Senate.

6. No Senator shall absent himself from the service of the Senate without leave.

III.

The Pages.

7. The Senate shall elect 11 Pages *representing each of the Congressional districts* and five Pages shall be appointed by the following: one by the Lieutenant Governor; one by the President pro tempore; one by the ~~chairman~~ chair of the caucus of the majority party; one by the majority leader; and one by the minority leader. The Pages shall be no less than 13 and no more than 14 years of age at the time of election or appointment, shall be residents of the Commonwealth of Virginia, and shall be elected or appointed for a term of one year. No Page shall be eligible for reelection. Any such Page so elected or appointed may be suspended or dismissed for cause by the Clerk of the Senate.

IV.

The Clerk of the Senate.

8 (a). A Clerk of the Senate shall be elected by the Senate for a term of four years and shall thereafter continue in office until another is chosen. The oath of office shall be administered to the Clerk of the Senate by any person qualified by law to administer oaths. If a vacancy in the office of Clerk of the Senate occurs when the General Assembly is not in session, a successor shall be ~~selected~~ *elected* by the Committee on Rules to serve until the first day of the next session, at a meeting to be called by the ~~Chairman~~ *Chair*, or in his absence or inability to act, the next senior member of such Committee able and willing to do so. At least five days notice by certified mail of the time, place and purpose of the meeting shall be given all members of the Committee, and, at such meeting, the person receiving the votes of a majority of the members present and voting shall be elected to fill the vacancy.

8 (b). The Clerk of the Senate shall be the custodian of the public seal and design of armorial bearings of the Senate.

8 (c). The Clerk of the Senate shall be the custodian of all records and papers of the Senate and the Clerk shall not suffer any such records or papers to be taken from the Clerk's desk or out of the Clerk's custody by any person except the ~~Chairman~~ *Chair* or the clerk of a Committee, or any Senator on taking receipts for same. Amendments agreed to by the Senate shall be handled only by the Clerk of the Senate, or staff members designated by the Clerk.

8 (d). It shall be the duty of the Clerk of the Senate to refer all bills and resolutions to the appropriate standing Committee or the Committee on Rules as provided in these Rules. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or the Committee on Rules, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

8 (e). The Clerk of the Senate shall prepare a list of the Senators in order of seniority. Seniority shall be based upon longest continuous service in the Senate. However, if a Senator has previous interrupted service in the Senate, then the beginning date of such previous Senate service shall qualify the Senator for seniority before those Senators elected at the same time not having previous service in the Senate, and if a Senator has previous service in the House of Delegates then ~~the beginning date of such House service~~ *seniority shall be based upon longest continuous service in the House of Delegates* and shall qualify the Senator to seniority before those Senators elected to the Senate at the same time not having previous service in the House of Delegates. Senators elected at the same time without previous service in the Senate or House of Delegates shall have their seniority determined by a public drawing of lots, conducted by the Clerk of the Senate, to which all Senators involved shall be invited to attend. After the name of each Senator there shall be indicated the name of the political party under which the Senator was elected or abbreviation of the same; e.g., "Rep." or "Dem." If a Senator was not elected as a nominee of a political party, then such Senator shall be listed as an Independent, or "Ind."; however, if any Senator is elected at a special or general election and such Senator has, prior to such election, declared himself in writing a member of a political party during and prior to such election and the political party of his choice did not hold a convention or call a primary election for such election, such Senator shall be listed as a member of the party of which he declared himself a member.

8 (f). The Clerk of the Senate, after the election of Senators, shall assign chamber desks to the individual Senators with the Senators elected as members of the majority party in the Senate in the chamber area beginning at the ~~north~~ *south* side of the chamber until all such desks have been assigned, and then the Senators elected as members of the minority party in the Senate, and then any Senator not elected as a member of the two major political parties. The Clerk of the Senate shall also assign office space in such buildings as may be made available for the use of the Senate. Whenever feasible, the Clerk of the Senate shall give due consideration in assigning chamber desks and office space to the seniority and request of a Senator. However, the chamber desk or office space of a Senator having immediate prior service in the Senate shall not be reassigned unless he shall so request the Clerk of the Senate.

Should any Senator, however, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration as ~~confirmed by a two-thirds majority of the members elected to the Senate~~, or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, or if a special election results in a change of political party membership, the Clerk of the Senate, upon such change in political party membership, is authorized to reassign chamber desks and office space accordingly.

8 (g). The area of the General Assembly Building assigned to the members of the Senate, their legislative support staff, the staff of the Senate, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the Committee on Rules.

8 (h). During the sessions, the Clerk shall provide ~~postage, as approved by the Committee on Rules,~~

and office supplies for official use by the Senators. Postage provided for use by members of the Senate during the sessions of the General Assembly shall be used as necessary to carry out the legislative duties of such members, and shall not be used for the purpose of mailing newsletters. A newsletter is a written communication that is more than one page in length, the contents cover more than one topic, and 500 or more copies are requested to be printed in a calendar year.

9. The Journal of the Senate shall be daily drawn up by the Clerk of the Senate, and shall be read the succeeding day, unless the reading thereof is waived as provided in these Rules; it shall be printed under the supervision of the Clerk of the Senate and delivered to the Senators without delay.

10 (a). The Clerk of the Senate shall appoint a chief deputy clerk and such staff as necessary to perform the work of the Senate. The Clerk may also appoint such number of messengers as may be required. The Clerk of the Senate shall also appoint such committee clerks as may be necessary after consultation with, and the approval of, the ~~Chairman~~ *Chair of the Committee on Rules and the Chairs* of the several Committees. The Clerk of the Senate shall also appoint such additional committee staff as may be necessary after consultation with, and the approval of, the *Chair of the Committee on Rules*. All committee clerks so appointed shall remain in the Capitol or other legislative facilities during the daily sessions of the Senate, and committee clerks shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation by the Clerk of the Senate and with the approval of the ~~Chairman~~ *Chair* of each such Committee. Additional committee staff shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation with, and the approval of, the *Chair on the Committee on Rules and the Chair of the respective Committee*. Each clerk shall perform any other duties that the Clerk of the Senate shall require, when not employed by their respective standing Committees. Clerks may be removed by the Clerk of the Senate, after consultation with, and the approval of, the ~~Chairman~~ *Chair of the Committee on Rules of the Committee to which such clerk is assigned*. Additional committee staff may be removed by the Clerk of the Senate, after consultation with, and the approval of, the *Chair of the Committee on Rules*. The Clerk of the Senate shall have supervision over all employees of the Senate. During sessions, the Clerk shall provide postage and office supplies for official use by the Senators.

10 (ab). The Clerk of the Senate shall be the clerk to the Committee on Rules.

11 (a). Before reading each bill or resolution by title, the Clerk of the Senate shall announce, either by individual bill or resolution or en bloc, whether it is the first, second, or third time of such reading.

11 (b). The Clerk of the Senate shall keep at the Clerk's desk, during the sittings of the Senate, a calendar which shows the business of the Senate. The Clerk shall have printed and placed on the desk of each member, before the assembling of the Senate each day, a calendar of pending bills and resolutions. The Clerk shall prepare a list of all bills and resolutions offered on the preceding day, with the names of the patrons, titles of the bills or resolutions, and the Committees to which the same have been referred under these Rules.

12. It shall be the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body, but no such communication shall be made in relation to any action of the Senate while it remains open for consideration.

13. The Clerk of the Senate shall, at the beginning of the term after the election of Senators, have printed and bound with the manual and rules, etc., the Constitution of Virginia and the Constitution of the United States for the use of the Senators. Supplements to said manual shall be issued as circumstances may require.

14 (a). Whenever the Clerk of the Senate is absent, the chief deputy clerk appointed pursuant to law and these Rules shall exercise the powers and perform the duties conferred and imposed upon the Clerk of the Senate by law and these Rules, by and with the consent of the Committee on Rules.

14 (b). In the discharge of all the duties assigned to the Clerk, and such other duties as the Clerk may from time to time undertake, the Clerk shall be subject to the direction of the Committee on Rules.

V.

Sergeant-at-Arms and Doorkeepers.

15. A Sergeant-at-Arms shall be elected by the Senate, and shall continue in office at the pleasure of the Committee on Rules for a term not exceeding four years. Except as otherwise provided by these Rules, his duties shall be prescribed by the Committee on Rules.

16. Except by order of the Senate, no Senator shall be taken into custody by the Sergeant-at-Arms on any grounds other than to quell a breach of the peace until the matter is examined by the Committee on Privileges and Elections and reported to the Senate.

17 (a). The Doorkeepers shall be constantly at their post during the daily sessions of the Senate and shall permit no one to enter freely or remain upon the floor of the Senate during the daily session, except the President of the Senate; members of the General Assembly; officers and employees of the Clerk of the Senate and the Clerk of the House of Delegates; and, representatives of the news media in

such numbers as may be seated in accommodations provided for them at the press tables. The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.

17 (b). Members of a Senator's family and such persons whom a Senator may invite shall be entitled to seats in a reserved section of the gallery. Representatives of the news media who cannot be accommodated with seats at press tables on the floor may also be entitled to seats in a reserved section of the gallery. ~~The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.~~

17 (c). Fifteen minutes prior to the convening of every daily session, the Sergeant-at-Arms shall clear the floor of the Senate of all persons other than those who are authorized to be there during each session and shall not permit unauthorized persons upon the floor of the Senate for five minutes following the conclusion of every daily session.

17 (d). Interviews are not allowed in the Senate Chamber during the daily session or during the recesses during the daily session. Interviews in the Senate Chamber shall end 15 minutes prior to the scheduled start of the daily session and shall not commence until five minutes after the adjournment of the daily session.

17 (e). Whenever any person requests an interview with a Senator or the Clerk of the Senate, a Doorkeeper shall send the request by a Page.

17 (f). A Doorkeeper shall direct all persons not entitled to entry on the floor of the Senate, as set out above, to the gallery of the Senate.

VI.

Standing Committees.

18. At the commencement of each session after the election of Senators, ~~members shall be elected to the following standing Committees and the Committee on Rules~~ *a nominations report shall be submitted by the majority caucus to elect members to the standing Committees and the Committee on Rules for a term current coincident with their term of office in such numbers as hereinafter set forth. Such members shall be elected by a majority vote of those present and voting. The President of the Senate shall be empowered to break a tie vote, where there is an equal division among the Senators, on matters pertaining to committee assignments and other matters relating to the organization of the Senate.*

18 (a). A Committee on Agriculture, Conservation and Natural Resources, 15 Senators, to consider matters concerning agriculture; air and water pollution and solid waste disposal; conservation of land and water resources; crustaceans and bivalves; all matters of environment, forest, fresh and salt water fishing, game, mining, parks and recreation, and petroleum products.

18 (b). A Committee on Commerce and Labor, ~~15~~ 16 Senators, to consider all matters concerning banking; commerce; commercial law; corporations; economic development; industry; insurance; labor; manufacturing; partnerships; public utilities, except matters relating to transportation; tourism; workmen's compensation and unemployment matters.

18 (c). A Committee for Courts of Justice, 15 Senators, to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning contracts, domestic relations, eminent domain, fiduciaries, *firearms*, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.

It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall ~~jointly~~ nominate a qualified person for such election *by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate*. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee for Courts of Justice for any judicial position.

Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the ~~Chairman~~ Chair of the Committee for Courts of Justice shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the ~~Chairman~~Chair.

18 (d). A Committee on Education and Health, 15 Senators, to consider matters concerning education; human reproduction; life support; persons under disability; public buildings; public health; mental health; mental retardation and health professions.

18 (e). A Committee on Finance, 15 Senators, to consider matters concerning auditing; bills and resolutions for appropriations; the budget of the Commonwealth; claims; general and special revenues of the Commonwealth; all taxation and all matters concerning the expenditure of funds of the

Commonwealth.

18 (f). A Committee on General Laws and Technology, 15 Senators, to consider matters concerning affirmation and bonds; the boundaries, jurisdiction and emblems of the Commonwealth; cemeteries; condominiums; consumer affairs; fire protection; gaming and wagering; housing; inter- or intra-government information technology applications and uses other than those proposed or used to support the operations of the General Assembly or the Senate; land offices; landlord and tenant; libraries; military and war emergency; nuisances; oaths; professions and occupations (except the health and legal professions); religious and charitable matters; state governmental reorganization; veterans' affairs; warehouses; and matters not specifically referable to other Committees, including, but not limited to, matters relating to technology, engineering, or electronic research, development, policy, standards, measurements, or definitions, or the scientific, technical, or technological requirements thereof, except for those affecting the operations of the General Assembly or the Senate.

18 (g). A Committee on Local Government, 15 Senators, to consider matters of local government in the counties, cities, towns, regions or districts, planning boards and commissions and authorities, except matters relating to the compensation of elected officeholders, where funds of the Commonwealth are involved.

18 (h). A Committee on Privileges and Elections, 15 Senators, to consider matters concerning voting; apportionment; conflict of interests, except those concerning members of the judiciary or solely the legal profession, provided that any such matter, after being reported by the Committee, shall be rereferred by the Committee to the Committee for Courts of Justice for consideration of the matters relating only to members of the judiciary or solely to the legal profession; constitutional amendments; elections; elected officeholders; reprimand, censure, or expulsion of a Senator; and nominations and appointments to any office or position in the Commonwealth (except Justices and Judges of the Commonwealth). It shall consider all grievances and propositions, federal relations and interstate matters. It shall examine the oath taken by each Senator and the certificate of election furnished by the proper office and report thereon to the Senate. It shall review and report as may be required in cases involving financial disclosure statements and shall recommend disciplinary action by majority vote where appropriate. It shall report in all cases involving contested elections the principles and reasons upon which their resolves are founded. It shall determine and report on all matters referred to it by the Senate Ethics Advisory Panel as set forth in the statutes.

Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, ~~he~~ *the report shall be referred* forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

18 (i). A Committee on Rehabilitation and Social Services, 15 Senators, to consider matters concerning alcoholic beverages; correctional and penal institutions; morals; social services and welfare; and substance abuse.

18 (j). A Committee on Transportation, 15 Senators, to consider matters concerning airports; airspaces; airways; the laws concerning motor vehicles relating to rules of the road or traffic regulations; heliports; highways; port facilities; public roads and streets; transportation safety; public waterways; railways; seaports; transportation companies or corporations; and transportation public utilities. Any matter relating to rules of the road or traffic regulations which include a change in a penalty shall be rereferred by the Committee to the Committee for Courts of Justice.

VII.

Committee on Rules.

19 (a). A Committee on Rules, which shall be in addition to the foregoing standing Committees, ~~47 Senators~~, consisting of the standing Committee Chairs; the President pro tempore, if the person is not a Chair; the Majority Leader, if the person is not a Chair; the Minority Leader; and ~~members other Senators~~ to comprise ~~the not more than~~ 17. The Chair of the Committee on Rules shall not be Chair of any standing Committee. The Committee shall consider all resolutions amending or altering the Rules of the Senate; all joint rules with the House of Delegates; all bills and resolutions creating study

committees or commissions; and all other resolutions (except those of a purely procedural nature, those concerning nominations and appointments to any office or position in the Commonwealth including the nominations of Justices and Judges, and those concerning constitutional amendments). The Committee may report such bills or resolutions with the recommendation that they be passed, or that they be rereferred to another Committee. In considering a bill or resolution, the Committee is empowered to sit while the Senate is in session. There shall be a subcommittee of the Committee, consisting of the Chair and ~~six~~ members appointed by the Chair *to equal the number of House members appointed to the subcommittee*, which shall exercise on behalf of the Committee such powers as are delegated to the Committee when acting jointly with the Committee on Rules of the House of Delegates or a subcommittee thereof.

19 (b). If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing Committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

19 (c). The *Chair of the Committee on Rules, in consultation with the Clerk*, shall consider and determine all matters concerning the news media in the Senate Chamber; all policies concerning travel expenses and reimbursements; all matters concerning joint assemblies with the House of Delegates and such persons, not members of the Senate, who are to be permitted to address the Senate; and all matters concerning the utilization of the facilities available to the Senate and its membership. ~~¶ The Chair, in consultation with the Clerk~~, shall prescribe the duties not otherwise prescribed for the Clerk, Sergeant-at-Arms, and Doorkeepers. ~~¶ The Chair, in consultation with the Clerk~~, shall approve the appointment, removal, and assignment for duties of the additional committee staff authorized in Rule 10 (a).

19 (d). The Committee on Rules shall from time to time prescribe such requirements as will expedite the flow of the work of the Senate, all such requirements being subject to the approval of the Senate.

~~19 (e). Postage provided for use by members of the Senate during Sessions of the General Assembly shall be used as necessary to carry out the legislative duties of such members, and shall not be used for the purpose of mailing newsletters. A newsletter is a written communication that is more than one page in length, the contents cover more than one topic, and 500 or more copies are requested to be printed in a calendar year.~~

19 ~~(f)~~(e). The Chair of the Committee on Rules shall appoint a subcommittee to review the financial disclosure statements filed annually by members or candidates and shall determine whether each statement is correct and complete as filed or requires correction, augmentation, or revision by the member or candidate involved, who shall be directed in writing to make the changes required within such time as shall be set by the Committee.

Additional review shall be made of any financial disclosure statement by the Committee on Rules upon a request in writing by ~~ten~~ 20 percent of the membership of the Senate on the basis of newly discovered evidence. This review shall be made promptly, the adequacy of filing determined, and notice of the determination of the Committee sent in writing to the member involved. If a financial disclosure statement is found to need correction, augmentation, or revision, the member or candidate involved shall be directed in writing to make the changes required within such time as shall be set by the Committee. Failure to make the correction shall result in the matter being referred to the Committee on Privileges and Elections for disciplinary action pursuant to Rules 18 (h) and 53 (b).

19 (gf). There shall be a Subcommittee on Standards of Conduct of the Committee on Rules, consisting of three members, one of whom shall be a member of the minority party, appointed by the Chair. The Subcommittee shall consider any request by a Senator for an advisory opinion as to whether the facts in a particular case would constitute a violation of the Rules of the Senate or any statute enacted relative to conflicts of interests, and may consider any other matters assigned to it by the Committee on Rules. Any Senator requesting such an advisory opinion shall submit the request in writing, addressed to the Chair of the Committee on Rules, and shall set forth specifically the facts relative to the opinion sought. The Subcommittee shall convene as soon as practicable, granting the Senator requesting the opinion the right to appear and, upon the conclusion of its deliberations, the Subcommittee shall submit its written opinion to the full Committee on Rules. The Committee on Rules shall consider the written opinion submitted by the Subcommittee and, if accepted, the same shall constitute an advisory opinion for the conduct of the members of the Senate on the issues set forth. The Clerk of the Senate shall maintain a record of such advisory opinions, which shall be available to any member of the Senate.

19 (hg). Any Senator who wishes to present a person to the Senate shall first seek the approval of the *Chair of the Committee on Rules*. The Senator shall submit a written request to the Chair of the Committee and a copy of the request to the Clerk of the Senate, 48 hours prior to the time of the presentation. ~~The Committee or a subcommittee designated by the Chair~~ shall determine the merit of the

presentation and notify the Senator of its ~~the~~ decision. The submission of the written request and the approval of the Committee or a subcommittee designated by the Chair shall not be required to present members of the Virginia Congressional Delegation and former members of the Virginia Senate. ~~Whenever possible, a person shall be presented to the Senate on Tuesdays and Thursdays during the morning hour of the session. The Chair, in consultation with the Clerk, shall approve the dates for the presentations. During the regular session, presentations shall not be made on Fridays, crossover, or any day involving action on the appropriation act.~~

19 (ih). The Committee on Rules shall make all Senate appointments to study committees and commissions in the number authorized for the Senate, whether the authority is limited to Senate members or other persons. It shall appoint members of the Senate to such other committees as may be required to serve as joint committees with the House of Delegates under its Rules, and shall appoint members of the Senate to serve as Senate members on any Committee or Commission required by statute. *Senate membership on all joint subcommittees and commissions with the House of Delegates shall be of equal membership.* If no member of a standing Committee of the Senate specified in a study resolution is able to serve, the Committee on Rules may appoint a member of the Senate at large to the study notwithstanding the provisions of the enabling resolution.

VIII.

Composition and Procedures of Committees.

20 (a). The total membership of all Committees and the membership of each standing Committee shall be composed of members of the two major political parties in the Commonwealth ~~in proportion to the number of Senators of each of such political parties, as nearly as practicable, and as nearly as practicable with equal membership of resident Senators from the several congressional districts of the Commonwealth as the same exist on the date of election of the Senate. As nearly as practicable, no more than two resident Senators in the same congressional district shall serve on the same Committee.~~ However, if none of the resident Senators of the same congressional district makes a request, in writing, for a particular Committee assignment, this requirement may be waived. *Senators shall serve terms on such Committees coincident with their current terms of office.* No member shall be removed from the a Committee to which he or she was elected, except by a two-thirds vote of the members elected present and voting or by forfeiture under these rules or upon submission of the member's resignation from the Committee.

The standing Committees may also include any Senator not elected as a member of the two major political parties. All members of the Senate shall be elected to the standing Committees, where practicable. ~~No member of the Senate shall serve on more than four, nor less than three, standing Committees.~~ When the Committees are elected, the Senator first named shall be the Chair. However, a Senator shall serve as Chair of only one of the standing Committees. Next shall be listed the members, listed by seniority and by the date elected to the Committee. *At the first meeting of the Committee, the Chair may appoint and announce a vice chair.*

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration ~~as confirmed by a two-thirds majority of the members elected to the Senate,~~ or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, he shall be deemed, thereby, to have forfeited all Committee memberships to which he may have been elected.

20 (b). Any vacancy in Committee membership during the four-year term of the Committee members shall be filled in the manner in which Committee members are elected in the first instance.

20 (c). The standing Committees shall meet at such time and place as shall be designated by the Committee on Rules, after consultation with the respective Committee Chair, and the fixed time and place of Committee meetings shall be published. All committees shall be governed by the Rules of the Senate.

20 (d). All Committee meetings shall be held in public. *All votes on bills shall be recorded.*

However, executive sessions may be held pursuant to applicable provisions of law upon a recorded vote. Except as provided herein, a recorded vote of members upon each measure shall be taken and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. A recorded vote shall not be necessary to report a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this Rule not to be counted, prior to the taking of any vote upon it, by stating the same before the Committee, and the fact shall be recorded by the Committee Clerk and reported along with the votes of the Committee members on the bill or resolution. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs may be taken in Committee voting as provided in Rule 36.

20 (e). The majority of any Committee shall constitute a quorum. Any Senator attending and

recorded as present at a Committee meeting who must depart prior to the rising of the Committee, may designate, in writing on committee proxy forms, one member of the Committee to vote his proxy for the duration of his absence, but for no longer than the meeting of the Committee at which the proxy is given. Proxies are not transferable. The Chair shall be informed in open session of the proxy authority prior to the departure of the Senator so leaving.

20 (f). Any bill or resolution introduced in an even-numbered year, and not reported to the Senate by a Committee may, upon the majority vote of the elected membership of the Committee to which it has been referred, be continued on the agenda of the Committee for hearings and Committee action during the interim between sessions or for future action by the Committee during the following odd-numbered year regular sessions. A bill or resolution may be continued only one year from an even-numbered year session and not otherwise. The Committee shall report, prior to the adjournment sine die of the Senate, such bills or resolutions as shall be continued and the Clerk of the Senate shall enter upon the Journal the fact that such bill or resolution has been continued.

20 (g). The Senate, upon consideration of any bill or resolution on the Calendar, may recommit, in accordance with these Rules, the bill or resolution to the Committee reporting the same, and direct the Committee to continue the bill or resolution until the following odd-numbered year regular session, and hold such hearings or render such further consideration of the bill or resolution as the Committee may deem proper.

20 (h). The Chair of the Committee, or the majority of the elected membership of a Committee, may call meetings of the Committee during the interim between sessions to study, call hearings, and consider any bill or resolution continued for further action at the odd-numbered year session, or to consider such other matters as may be germane to the duties of the Committee.

20 (i). The provisions of this Rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7, of the Constitution of Virginia.

20 ~~(g)~~(j). Each Committee shall have a clerk appointed by the Clerk of the Senate, after consultation with the Chair of the Committee *on Rules and the Chair of the respective Committee*. The Clerk of the Senate shall be the clerk to the Committee on Rules.

20 ~~(h)~~(k). The Chair of any Committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of the work of the Committee. Such subcommittees shall *not take final votes and shall only* make recommendations to the Committee. The Chair of the full Committee shall be an ex officio member of all subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum. All subcommittees shall be governed by the Rules of the Senate.

20 ~~(i)~~(l). Any Committee of the Senate may, at its discretion, confer with any Committee of the House of Delegates having under consideration the same subject and arrange joint meetings, hearings or studies, as the Committees deem appropriate.

20 ~~(j)~~(m). A Committee, after considering a bill or resolution referred to it may:

A. Rerefer the same to another Committee, in the same form received, to consider applicable portions of such bill or resolution as are germane to another Committee under the Rules, or may

B. Report it to the Senate

(i) without amendment,

(ii) with recommendation that a Committee amendment(s) be adopted, or

(iii) with recommendation that it be rereferred to another Committee (either with or without amendment), in which latter event the Clerk of the Senate shall so rerefer unless the Senate shall otherwise direct.

A recorded vote of members shall be taken upon any motion listed in A and B above and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. The report recorded by the Committee Clerk shall be the recorded vote on the motion and cannot be changed unless the vote is reconsidered and voted upon again. A recorded vote shall not be necessary to report or rerefer a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules.

20 ~~(k)~~(n). Any bill, except the budget bill sent down by the Governor, whose principal objective is taxation or which establishes a special fund or any type of nonreverting fund, whether or not such bill may also require an appropriation, tax, special or general revenue, shall first be referred to the Standing Committee which has jurisdiction of the subject matter of the bill as defined in rules 18 (a) through 18 (j) of the Rules of the Senate. If said bill is reported by the Committee of original jurisdiction then said bill shall be rereferred by the Committee to the Finance Committee.

20 ~~(l)~~(o). A Committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the

public.

20 ~~(m)~~(p). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such Committees or Subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the Committee or its Chair.

Persons appointed to serve shall receive reimbursement for their actual and reasonable expenses incurred in the performance of services for the Committees. For ~~this purpose and for~~ such other expenses as may be occasioned by the conduct of any Committee study, payments shall *have approval in advance by the Chair of the Committee on Rules in consultation with the Clerk and shall* be made from the general appropriation to the Senate.

20 (q). Persons who are asked by a Committee Chair to appear before a Committee or subcommittee *or study* to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved in advance by the Chair *of the Committee on Rules*, in consultation with the Clerk.

20 (n).— Whenever a bill is introduced that contains matters that would be appropriate for an executive reorganization plan as provided for in Chapter 1, Article 2 of Title 2.2 of the Code of Virginia or which proposes that the Commonwealth provide new services or abolish any existing service, it shall have the word "Organization" stamped upon its covers.

IX.

Order of Business.

21. At the appointed hour, the presiding officer of the Senate shall take the chair and call the Senate to order, and the order of business thereafter shall be as follows:

- (a) A period of devotions.
- (b) A roll call of members present.
- (c) The reading of the Journal.
- (d) A period to be called the "morning hour," for the following purposes:
 - i. to dispose of communications from the House of Delegates, the Executive, and the Judiciary.
 - ii. ~~to receive reports from the Committees, for which purpose they shall be called by the Clerk unless the Senate shall direct otherwise.~~
 - iii. to recognize and welcome visitors to the Senate.
 - iv. to receive resolutions and bills, but such resolutions and bills may be received at the Clerk's desk at any time after the "morning hour," with leave of the Senate.
- (e) Consideration of unfinished business. (Unfinished business is legislation before the Senate as a result of or pending action by the House of Delegates.)
- (f) Consideration of the Calendar of the Senate for that day, for which purpose the Calendar shall be called by the Clerk of the Senate.

(g) Upon completion of the Calendar and then Senators expressing Point(s) of Personal Privilege and such other business as may come before the Senate, a recess or adjournment shall then be taken.

22. To expedite the business of the Senate, it may order the convening of a "special morning session," at which session no vote shall be taken or other business transacted except the introduction of bills and resolutions. Upon the completion thereof, such session shall recess to such time as the Senate may have theretofore ordered. Such "special morning session" shall be convened by the presiding officer or President pro tempore unless otherwise designated. The "special morning session" shall be considered adjourned upon the convening of the daily session.

23 (a). Notwithstanding Rule 21 and Rule 22, any subject may, by a recorded vote of a majority of the members ~~elected~~*present and voting*, be made a special and continuing order, to commence at a time to be fixed by the Senate, and when the time so fixed for its consideration arises, the presiding officer shall lay it before the Senate.

23 (b). When two or more special and continuing orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by majority ~~vote~~ of those present *and voting*. All motions to change such order shall be decided without debate.

24. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of the passage or rejection, with the bill or resolution, shall be communicated to the House of Delegates.

25 (a). All bills, resolutions or other business originating in the Senate and all bills, resolutions or other business sent from the House of Delegates shall be dispatched in the order in which they are introduced or received, unless the Senate shall otherwise direct.

25 (b). Bills or resolutions of either house shall be divided on the Calendar between the designation "Uncontested Calendar" and "Regular Calendar," and be considered in such order. When such a division is made for bills or resolutions, the Uncontested Calendar shall not include any bills or resolutions (i) which receive a dissenting vote or abstention in Committee, or (ii) to which objection is made by any Senator on first reading. Any bills or resolutions shall be removed from the Uncontested Calendar at

any time at the request of any Senator. Resolutions which do not have a specific vote requirement pursuant to these Rules shall not be placed on the Uncontested Calendar but may be divided separately.

25 (c). It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted upon according to their priorities upon the Calendar. If, however, any bill or resolution is not ready when it is reached upon the Calendar, it shall be passed by, and be allowed to retain its place upon the Calendar.

25 (d). When the Calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there is none, the business of the "morning hour" shall be resumed and disposed of; but the business of the "morning hour" shall in no case be allowed to interfere with that of the Calendar without the unanimous consent of the members present.

26 (a). No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate Committee. No bill shall become a law until the procedures required by Article IV, Section 11, of the Constitution of Virginia have been observed.

26 (b). No bill expressly amending any existing law shall be offered by any member unless or until the original and all copies thereof have been prepared so as to indicate deletions and additions. Each bill or resolution shall be signed by at least one Senator or by the Clerk of the Senate upon authorization of a member who has become incapacitated *or who is unavailable to sign the legislation.* *Upon the approval of the Committee on Rules, electronic filing of bills and resolutions may be permitted.* Any bill or resolution offered for introduction in the Senate may show two *or more* ~~senators~~ Senators as chief patrons and as "House Patrons" the signatures of members of the House of Delegates. The title of any bill having any provisions pertaining to taxation or revenues shall so indicate. The form for deletions and additions shall be to set forth the material deleted with lines through such material, e.g., ~~deleted material or words~~, and to underscore the words added, before they are received in the Senate. However, the stricken material and underscoring and italics in the printed bill, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute, but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring when new words are substituted for existing words where the new words or the omission of words does not change the sense or meaning of the act.

26 (c). The title of a bill or resolution and all amendments offered thereto shall be entered upon the Journal, except the amendments in the nature of a substitute shall be printed separately, and only the titles thereof entered upon the Journal.

26 (d). Any Senate bill or resolution which has been amended during the legislative process by the Senate shall be engrossed and reproduced by the Clerk of the Senate, as soon as practicable, in sufficient numbers for the members of the Senate and House of Delegates.

26 (e). The designation of "Senate Bill" or "Senate Resolution" or "Senate Joint Resolution" shall not be changed nor amended after a bill or resolution is introduced in the Senate. Nor shall the designation of "House Bill" or "House Joint Resolution" be changed or amended after the bill or resolution is received by the Senate.

26 (f). Any member of the Senate or House of Delegates who requests in writing to the Clerk that he be added as a co-patron of any bill or resolution, provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, shall be listed in the Journal as a co-patron of such bill or resolution, and shall be so listed on such bill or resolution at its next printing, if any.

Any member of the Senate or House of Delegates may also request in writing to the Clerk that his name be removed as a co-patron of any bill or resolution provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, and thereafter his name shall not be listed in the Journal as a co-patron of such bill or resolution, nor shall his name be listed on such bill or resolution at its next printing, if any.

26 (g). Any memorial or commending resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules, but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day; however, any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules. ~~No exception to this Rule 26 (g) shall be made, unless the Senator proposing such exception has first presented it at a meeting of the Committee on Rules and a majority of the members elected to such Committee has voted in favor of the exception.~~

No Senator may introduce more than a combined total of ten commending and memorial resolutions each session, except for the Chair of the Committee on Rules when introducing such resolutions according to custom or protocol.

27. Bills or resolutions originating in the House of Delegates and communicated to the Senate shall

be read by title the first time when received and referred to the appropriate Committee unless otherwise directed by the Senate.

28 (a). No bill or resolution reported from a Committee of the Senate shall be recommitted or amended until it has been twice read by title, nor shall any Senate bill or resolution be amended after its third reading, except by the unanimous consent of the Senate. House bills or resolutions may be recommitted or amended at any time before their final passage, but a bill or resolution which has been recommitted to a Committee, when reported by Committee, shall be restored on the Calendar to the status it had before it was recommitted.

28 (b). In the case of a House bill or resolution, engrossment shall only apply to such amendments as may have been made in the Senate.

29 (a).— Communications from the Executive shall lie on the table at least one day after being received by the Clerk of the Senate, unless otherwise ordered.

29 (b). Whenever a Senate bill or resolution is reported to the Senate with one or more House amendments, copies of all such amendments shall be furnished to each Senator. The same shall apply to amendments proposed by a Senate Committee or by a Senator, unless otherwise ordered by the Senate.

30. Every question shall be put in the affirmative and the presiding officer shall declare whether the yeas or the nays have it, which declaration shall stand as the judgment of the Senate. The yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal. On the final vote of any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a Senator, the name of each Senator voting, and how he voted shall be recorded in the Journal. After the roll has been taken, and before the vote is announced by the presiding officer, any Senator shall have the right to correct any mistake committed in enrolling his name and the presiding officer shall order the vote to be stricken.

31. Any Senator may call for a division of the question, which shall be divided if it comprehends propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate.

32. Upon the determination of a question, any Senator may enter his protest upon the Journal, with the consent of one-third of the Senators present; and on the question "Shall the protest be entered on the Journal?", no privileged motion as set out in Rule 46 47 (a) or Rule 46 47 (b) shall be in order except to adjourn.

33. Whenever the Senate proceeds to consider any nominations or appointments after the same have been reported by the appropriate Committee, which are subject to the choice or ratification of the Senate, and when it is so ordered by the Senate pursuant to ~~Chapter 21 of Title 30~~ Chapter 37 of Title 2.2 of the Code of Virginia, the same shall be considered in executive session.

X.

The Pending and Previous Question.

34. Upon a motion for the pending question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the pending question. All incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

35. Upon a motion for the previous question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the question, first upon the amendments in the order prescribed in the Rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

XI.

Taking the Vote.

36. Every Senator present in the Chamber, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in the case of pairs, as hereinafter provided. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments, or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purposes of establishing a quorum. Pairs

may be taken in Committee votes under this rule herein set forth.

37. The voting machine may be used for the call of the roll, for recording abstentions under Rule 36, or for the affirmative and the negative of the question.

38 (a). No Senator shall be allowed to vote or submit a vote statement unless he is in attendance at the daily session at the time the Senate is being divided, or before a determination of the question upon a call of the roll, and is physically present in the Chamber, or one of its anterooms. A Senator may submit a vote statement if he was not recorded as voting or if his recorded vote does not reflect his intention. The statement shall be limited to the fact that his vote was not recorded or that his vote did not reflect his intention and must be submitted to the Clerk of the Senate by the adjournment of the daily session.

38 (b). In cases where the presiding officer is also a member of the Senate at the time a recorded vote is being taken, the presiding officer shall request another Senator to cast his vote for him or shall cast his vote from the Chair.

XII.

Committees of Conference.

~~38~~ 39 (a). The Senate members of any committee of conference with the House of Delegates shall be designated by the Chair of the Committee to which the bill or resolution in conference was first referred by the Clerk of the Senate. If a Senate bill or resolution is in conference, the chief patron(s) of the same shall be a conferee and, where feasible, members of a Committee to which the bill or resolution was referred or rereferred shall comprise the conferees.

Any conference report must be agreed to by the majority of the members of each house on the conference committee before it may be filed with the Senate. If the report of the first named conference is rejected by the Senate or the conferees cannot agree, the Chair shall designate the same or new conferees in the event a second conference is formed.

Conferees shall not insert in their report matters not committed to them by either house, nor shall they strike from the bill or resolution in conference matters agreed to by both houses.

~~38~~ 39 (b). When a committee of conference is meeting it shall inform the Clerk of the place of meeting; and, when a vote be put, the presiding officer shall, before calling the vote, inform the Senate conferees of the pending vote and grant them a reasonable opportunity to return to the Chamber to vote.

XIII.

Debate.

~~39~~ 40 (a). While the presiding officer is reporting or putting any question, or the Clerk of the Senate is reporting a bill or resolution or calling the roll, or a Senator is addressing the Chair, strict order shall be observed. No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate. *The use of props is prohibited on the floor of the Senate.*

~~39~~ 40 (b). The use of audible electronic devices used for transmitting and receiving communications is prohibited in Senate committee rooms and the Senate Chamber. The use of cellular telephones is prohibited in Senate committee rooms and the Senate Chamber. Violations of this rule shall be punishable as prescribed by the Committee on Rules.

4041. If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

4142. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. President," confining himself strictly to the point in debate, and avoiding all disrespectful language.

4243. No member shall speak more than twice upon the same subject without leave of the Senate, nor more than once, until every member choosing to speak has spoken.

4344. No question shall be debated until it has been stated by the presiding officer, and the mover shall have the right to explain his views in preference to any Senator.

4445. During any debate any Senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they are transgressed, in case the presiding officer does not so rise and speak, but if the presiding officer stands up at any time, he is first to be heard, and while he is standing Senators shall keep their seats.

4546. No Senator shall be allowed to be interrupted while speaking, except on points of order, to correct erroneous statements, or for a Senator to answer any questions that may be stated by the Senator speaking.

46 47 (a). The following motions shall not be debated or spoken to except as hereinafter provided:

(i) A motion to adjourn.

(ii) A motion calling for a vote on the pending question.

- (iii) A motion calling for a vote on the previous question.
- (iv) A motion to suspend the Rules.
- (v) A motion to close debate.
- (vi) A motion to limit debate.
- (vii) A motion to extend the limit of debate.
- (viii) A motion to reconsider matters not debatable.
- (ix) A motion to change, in case of two or more special and continuing orders.

46 47 (b). Upon the following motions, the mover shall be allowed five minutes to speak to his motion, to state the reasons therefor, and one member opposed to the motion shall be allowed a like time to speak to the motion, to state his objections:

- (i) A motion for a special and continuing order.
- (ii) A motion to appeal a ruling of the Chair.

46 47 (c). When a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled without debate, whether on appeal or otherwise. This same Rule shall apply to all incidental questions arising after the presiding officer has put any question to the Senate.

46 47 (d). A motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

46 47 (e). When a question is pending, no motion shall be received but to adjourn, to pass by for the day, for the pending question, for the previous question, or to amend; which several motions shall have precedence in the order in which they are herein set out.

46 47 (f). Except as otherwise provided herein, the provisions of Rule 46 47 (e), a primary motion may be substituted once.

XIV.

Reconsideration.

47 48 (a). A question arising on a Senate Bill, Senate Resolution or Senate Joint Resolution being once determined must stand as the judgment of the Senate, and cannot during the course of that session of the General Assembly be drawn again into debate, unless a motion to reconsider a question which has been decided has been made by a Senator voting with the prevailing side on the same day on which the vote was taken.

However, if such action has not been communicated to the House, a motion to reconsider may be made within the next two days of actual session of the Senate thereafter.

Unless unanimous consent of the members of the Senate present and voting on a motion for a second or subsequent reconsideration be granted, no measure being once determined may be reconsidered more than once by the Senate during that session of the General Assembly.

When any question is decided in the negative simply for the want of a majority of the whole Senate, any Senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

A Senator desiring such reconsideration shall confer with the ~~Chairman~~ *Chair* of the Committee on Rules, or in his absence the next listed available member of the Committee on Rules, who shall consult with the chief spokesman for and against the measure, if there is any, and thereafter such ~~Chairman~~ *Chair* or next listed member may direct the Clerk to defer or expedite the transmittal of the action of the Senate on the measure to the House of Delegates to permit the making of such motion for reconsideration; however, in no event shall such deferral of transmittal hereunder be for more than one legislative day.

This rule shall not preclude consideration of any House Bill, House Joint Resolution, or House amendment to a Senate Bill or a Senate Joint Resolution, regardless of whether such House measure involves a question already determined.

47 48 (b). If the Committee has possession of a bill or resolution, a motion to reconsider in Committee may be made no later than the next Committee meeting.

However, a motion to reconsider at a second or subsequent meeting may be made with unanimous consent if the Committee has possession of the bill or resolution.

XV.

Suspension of Rules.

4849. Any rule of the Senate may only, except where otherwise provided by the Constitution of Virginia, be amended by a vote of two-thirds of the ~~sSenators elected~~ *Senators elected present and voting*. These Rules may be suspended by a vote of two-thirds of the ~~senators~~ *Senators elected present and voting*. *If the Senate is meeting due to a state emergency or enemy attack pursuant to Article IV, Section 8 of the Constitution, then the Rules of the Senate may be suspended by a vote of two-thirds of the quorum.*

XVI.

Appeals.

4950. If the presiding officer rules on any matter under these Rules by his own act, or upon request of any Senator, and if any Senator objects to the ruling of the presiding officer, then an appeal to the Senate shall lie, ~~and any motion to sustain the ruling of the presiding officer~~. *The appeal shall be stated as a motion to sustain the ruling of the Chair. To overrule the ruling of the Chair shall require a majority of those present to prevail and voting. A ruling of the Chair shall not be overruled on appeal by a tie vote.*

XVII.

Committee of the Whole.

5051. The Senate may go into the Committee of the Whole only upon the affirmative vote of a majority of the members ~~elected~~ *present and voting*. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the Chair and the President pro tempore shall preside in the Committee. If the President pro tempore is absent from the Senate, then the Senate shall elect a ~~chairman~~ *chair* to preside therein.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the ~~Chairman~~ *Chair* of the Committee.

XVIII.

Campaign Advocacy Contribution Limitations.

51 ~~(a)~~52. During any regular, special, or reconvened session of the General Assembly, no member of the Senate shall use his name or title or authorize another person to use the Senator's name or title, orally or in writing, to solicit monetary contributions if any part of the contributions would be used to pay for an advocacy campaign conducted through mass mailings, e-mails, telephone calls or other communication media to influence the outcome of legislative action by the General Assembly. This rule shall not apply during any recess of a special session ~~which lasts longer than three days~~. Nothing in this rule shall prohibit a Senator from using his name or title or authorizing another person to use the Senator's name or title in the letterhead or roster listing the membership of an organization.

XIX.

Senate Ethics and Senate Ethics Advisory Panel.

51 ~~(b)~~53 (a). The Senate Ethics Advisory Panel shall be composed of five members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth who have not previously held such office. *No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 of the Code of Virginia during his tenure on the Panel.* The members shall be nominated by the Committee on Privileges and Elections of the Senate and confirmed by the Senate. Nominations shall be made so as to assure bipartisan representation on the Panel.

53 (b). *Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.*

XX.

Court of Impeachment.

5254. When, pursuant to the Constitution, the Senate sits as a Court for the trial of impeachments, the Rules covering the same shall be as the Rules of Procedure and Practice in the United States Senate when sitting on Impeachment Trials.

XXI.

Votes Required.

5355. The votes required shall be as set forth in the Appendix to these Rules.

XXII.

Construction of Rules.

5456. The Rules of the Senate shall be adopted at the commencement of the first regular session of the General Assembly after the election of the Senate, and shall be in force for the succeeding four years unless amended or suspended as provided by these Rules. In the construction of the Rules, reference shall be had to the following sources in the following order:

- (a) Jefferson's Manual of Parliamentary Practice.
- (b) Mason's Manual of Legislative Procedure.
- (c) Standing Rules for Conducting Business in the Senate of the United States.

APPENDIX
VOTES REQUIRED PURSUANT TO
CONSTITUTION
OR RULES OF THE SENATE

- | | |
|--|--|
| (1) Appeals from ruling
of chair <i>to overrule</i>
<i>chair</i> | -- a majority of the members <i>present</i>
<i>and voting</i>
not less than..... 16 11
(Rule 49 50) |
| | |
| (2) Bills: | |
| (a) Ordinary bills | -- a majority of the members voting,
not less than.....16
(Const. Art. IV, Sec. 11)
(Same for House amendment
or Conference report) |
| (b) Appropriation,
Claim or Demand
of State, Debt or
Charge, New
Office, Tax | -- a majority of the members elected,
not less than.....21
(Const. Art. IV, Sec. 11)
(Same for House amendment
or Conference report) |
| (c)(1) Bonds, general
obligation | -- a majority of the members elected,
not less than.....21
(Const. Art. X, Sec. 9(b)) |
| (2) Bonds, revenue | -- 2/3 of the members elected,
not less than.....27
(Const. Art. X, Sec. 9(c)) |
| (d) Charter or "Special Act"
for county, city, town or
regional government | -- 2/3 of the members elected,
not less than.....27
(Const. Art. VII, Sec. 1)
(Same for House amendment
or Conference report) |
| (e) Printing or Reading
dispensed | -- 4/5 of the members voting,
not less than.....17
(Const. Art. IV, Sec. 11) |
| (f) Creating new
office | -- a majority of the members elected,
not less than.....21
(Const. Art. IV, Sec. 11) |
| | |
| (3) Censure of a Senator | -- a majority of the members elected
not less than.....21
(Rule 18(h) <i>and</i> Rule 53(b)) |
| | |
| (4) Committee of the Whole,
to go into | -- a majority of the members elected
<i>present and voting</i> ,
not less than..... 21 11
(Rule 50 51) |
| | |
| (5) Constitution, amending | |
| (a) Virginia Constitution
Bills or Resolutions | -- a majority of the members elected,
not less than.....21 |

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proposing to amend	(Const. Art. XII, Sec. 1)
(b) Amendment to Bill or Resolution proposing to amend Virginia Constitution	-- a majority of the members elected, not less than.....21 (Const. Art. XII, Sec. 1)
(c) Virginia Constitutional Convention, calling of	-- 2/3 of the members elected, not less than.....27 (Const. Art. XII, Sec. 2)
(d) United States Constitution, Resolutions proposing to ratify and amend	-- a majority of the members elected <i>present and voting</i> , not less than..... 21 11
(e) United States Constitution, Resolutions proposing calling of a convention to amend	-- a majority of the members elected <i>present and voting</i> , not less than..... 21 11
(6) Discharging Committee	-- a majority of the members voting, not less than 2/5 of the members elected.....16 (Const. Art. IV, Sec. 11)
(7) Division of question required	-- 1 Senator.....1 (Rule 31)
(8) Emergency Clause	-- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 13)
(9) Expulsion of a Senator	-- 2/3 of the members elected, not less than.....27 (Const. Art. IV, Sec. 7; Sec. 10; Rule 18(h) <i>and</i> Rule 53(b))
(10) Extended Session 30 days	-- 2/3 of the members elected, not less than.....27 (Const. Art. IV, Sec. 6)
(11) Governor, disability of	-- 3/4 of the members elected, not less than.....30 (Const. Art. V, Sec. 16)
(12) Governor's recommendation for amending bill	-- a majority of the members present. In case of refusal, bill again sent to Governor (Const. Art. V, Sec. 6)
(13) Impeachment	-- 2/3 of the members present, not less than.....14 (Const. Art. IV, Sec. 17; Sec. 10)
(14) Journal, reading waived	
(a) All sessions except reconvened special sessions with no business	-- a majority of the members voting not less than.....11 (Rule 3)
(b) Reconvened special	-- 2 Senators.....2

sessions with no business	(Rules 3 and 5)
(15) Protest entered upon Journal	-- 1/3 of the members present, not less than.....7 (Rule 32)
(16) Reading or printing of a Bill dispensed	-- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 11)
(17) Recorded vote, yeas and nays	
(a) Floor	-- 1/5 of the members present (Constitution Article Const. Art. IV, Sec. 10 and Rule 30)
(b) Committee	-- 1/5 of the Committee members present, not less than.....3
(18) Referring certain violations of Conflict of Interest Act to Attorney General	-- a majority of the members voting, not less than.....11 (Rule 18(h) and Rule 53(b))
(19) Reprimand of a Senator	-- a majority of the members <i>present and voting</i> , not less than.....11 (Rule 18(h) and Rule 53(b))
(20) Resolutions other than those proposing a Constitutional amendment	-- a majority of the members voting, not less than.....16
(21) Suspending or amending Rules	-- 2/3 of the members elected <i>present and voting</i> , not less than.....2714 (Rule 48 49)
(a) Regular quorum	
(b) Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution	-- 2/3 of the quorum, not less than.....11 (Rule 49)
(22) (a) Special and Continuing Order	-- a majority of the members elected <i>present and voting</i> , not less than.....2111 (Rule 23(a))
(b) Changing Special and Continuing Order	-- a majority of the members <i>present and voting</i> , not less than.....11 (Rule 23(b))
(23) Supreme Court, Increase size of	-- 3/5 of the members elected, voting at 2 consecutive regular sessions, not less than.....24 (Const. Art. VI, Sec. 2)

- (24) Veto, to override -- 2/3 of the members present,
not less than a majority
of the members elected..21
(Const. Art. V, Sec. 6)
- (25) Votes on elections, -- names to be recorded in Journal
impeachments or expulsions (Const. Art. IV, Sec. 10)
of a Senator (also see Secs. 7 & 17)
- (26) Vote to remove Senator -- 2/3 of the members ~~elected~~
from a Committee *present and voting*,
not less than.....2714
(Rule 20(a))
- (27) Vote to elect Senator(s) -- a majority of members ~~elected~~
to Committee *present and voting*,
not less than.....2111
(Rule 18)
- (28) Interruption of the -- unanimous consent of
Calendar members present
(Rule 25(d))
- ~~(29) Memorial or commending~~ -- ~~a majority of members elected,~~
~~resolution, Senate to~~ ~~not less than21~~
~~consider out of order~~ ~~(Rule 26(g))~~
- (3029) Amend Senate bill or -- unanimous consent
resolution after
third reading (Rule 28(a))
- (3130) Reconsideration
- (a) Floor (Second and -- unanimous consent of
subsequent members present
Reconsideration) (Rule 4748(a))
- (b) Committee -- unanimous consent of
the committee
if later than the
next meeting
(Rule 4748(b))
- (3231) President pro tempore's -- unanimous consent of members
substitute to continue present
to preside over the Senate (Rule 2(c))
- (3332) Call of the Senate to -- at least 9 Senators
send for absentee(s) (Rule 5)
- (3433) Adjournment
- (a) Daily Session -- at least 2 Senators (Rule 5)
- (b) Certain Special Session -- at least 2 Senators (Rule 5)
- (c) Certain Reconvened -- at least 2 Senators (Rule 5)
Session of a
Special Session

- (~~35~~34) Quorum
- (a) Emergency -- at least 16 Senators
(Const. Art. IV, Sec. 8)
- (b) Daily Session -- a majority of members elected,
not less than.....21
(Const. Art. IV, Sec. 8; Rule 5)
- (c) Reconvened Session -- a majority of members elected,
not less than.....21
- (d) Certain Special Session -- at least 2 Senators (Rule 5)
- (e) Certain Reconvened Session of a Special Session -- at least 2 Senators (Rule 5)
- (f) Committee -- at least 8 Senators
(Rule 20(e))
- (~~36~~35) Election of "Interim" Clerk -- a majority of Committee members
present and voting
at least 5 Senators

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