

## HOUSE RESOLUTION NO. 17

*Establishing the Rules of the House of Delegates for the 2018 - 2019 Sessions of the General Assembly of Virginia.*

Agreed to by the House of Delegates, January 10, 2018

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

**I. Organization.**

**Elections.**

Rule 1. At the elections in the House, the voting shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Except in the case of block voting, only one person shall be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. If the election is by joint vote of the two houses, messages shall be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house shall compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee shall be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

**The Speaker.**

Rule 2. The House of Delegates shall choose its own Speaker from among the members of the House. The Speaker shall be elected in even-numbered years for a term of two years. The nominations for Speaker shall be viva voce without debate and no second shall be required to place a name in nomination. Once nominations are closed, the election of the Speaker shall be a matter of privilege and shall be conducted immediately and shall not be debated. The voting for Speaker shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Each member shall vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. Once elected, the Speaker shall not be removed from his office during his term except with the concurrence of two-thirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who shall exercise its functions for the time. However, no member, by virtue of such appointment, shall preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker is absent and has named no one to act in his stead, the duties shall be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16.

In the event of a vacancy that occurs during a Regular or Special Session, the House shall elect a successor within seven days of notice of the vacancy. The person receiving a majority of the votes of the members present and voting shall be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Privileges and Elections Committee shall convene at a meeting to be called by the chairman or, in his absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting shall be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting shall be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker shall serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day. He shall immediately call the House to order. After divine services are performed, he shall direct that the Pledge of Allegiance to the flag of the United States of America be recited, and he shall direct that the roll of members be taken, pursuant to Rule 32, and the names of those members present entered upon the Journal. A quorum being present, he shall proceed with the business of the day. The Speaker shall have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and

approved the same, shall announce to the House his approval of the Journal. The Speaker's approval of the Journal shall be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, shall not be subject to a motion to reconsider. It shall be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion shall be determined without debate and shall not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct shall be signed by the Speaker and the Clerk. The said Journals, when so signed, shall be the authentic record of the proceedings of the House.

Rule 4. The Speaker shall have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who shall assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the Hall of the House of Delegates.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution shall be signed by the Speaker and all writs and warrants issued by order of the House shall be under his hand and seal, attested by the Clerk.

#### **The Clerk.**

Rule 6. A Clerk shall be elected by the House in even-numbered years and shall be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in his absence, the vice chairman, or a majority of the membership of the committee. At least three working days notice of the time, place, and purpose of the meeting shall be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting shall be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk shall have authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as shall be deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk shall be charged with the clerical business of the House and its committees.

Pages shall be appointed annually by the Speaker and shall be thirteen or fourteen years old at the time of their initial appointment. They shall be ineligible for reappointment after serving for two years. The Clerk shall be responsible for the administration of the Page program.

Rule 6(b). The Clerk shall be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected shall be changed without such member's consent.

Rule 7. The Clerk shall perform all the duties of his office under the direction of the Speaker. He shall keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. He shall keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House. He shall provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, he shall see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk shall keep accounts of the compensation of the members, officials and employees of the House, and shall from time to time certify the same to the Comptroller. He shall provide the stationery required for the business of the House and for the official use of the members. He also shall provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk shall provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers.

He shall keep detailed accounts of all transactions pursuant to Rules 8 and 9, which shall be open to inspection at all times.

#### **Sergeant at Arms.**

Rule 10. A Sergeant at Arms and doorkeepers shall be appointed by the Speaker. The Clerk shall be responsible for the administration and duties of these positions.

Rule 11. The Sergeant at Arms shall, with the doorkeepers, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as shall be directed to him by the Speaker and the Clerk.

Rule 12. The Sergeant at Arms shall, under the direction of the Speaker and the Clerk, have charge of the supervision of the Hall and prevent any interruption of the business of the House by disorder within or without. He shall distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, he shall clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms shall attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members. He shall attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

#### **Oaths of Office.**

Rule 14. The oaths which the officers of the House are required by law to take shall be administered and certified by a person authorized to administer oaths and shall be filed with the Clerk of the House.

#### **Committees.**

Rule 15. All committee members shall be appointed by the Speaker. The Speaker shall designate the chairman and vice chairman of each committee provided that no member shall be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member shall be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members shall act as the chairman, taking precedence in the order named by the Speaker. The Speaker shall serve as chairman of the Committee on Rules.

Rule 16. There shall be appointed standing committees, to be named and to consist of up to the number of members indicated below:

1.	Privileges and Elections	22 members
2.	Courts of Justice	22 members
3.	Education	22 members
4.	General Laws	22 members
5.	Transportation	22 members
6.	Finance	22 members
7.	Appropriations	24 members
8.	Counties, Cities and Towns	22 members
9.	Commerce and Labor	22 members
10.	Health, Welfare and Institutions	22 members
11.	Agriculture, Chesapeake and Natural Resources	22 members
12.	Militia, Police and Public Safety	22 members
13.	Science and Technology	22 members
14.	Rules	16 members and the Speaker

The Speaker shall designate seven members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Membership on all standing committees and subcommittees shall be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members shall be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee or subcommittee membership assigned to the majority party caucus, then the number of majority party caucus members shall be the next highest whole number of committee or subcommittee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus shall be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority shall constitute a quorum for committees. Each committee shall meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It shall be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee shall meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee shall consist of no fewer than five members, a majority of whom shall constitute a quorum for the conduct of business.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom shall constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees, shall meet opposite a standing committee unless the parent committee foregoes meeting at its designated time to allow its subcommittees to meet. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees shall consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman shall have discretion to determine when, and if, legislation shall be heard before the committee. The chairman, at his discretion, may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation shall be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject. No select committee shall be appointed to consider any subject falling properly within the province of a standing committee.

Rule 18(a). When a question is before the committee, no motion shall be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions shall have precedence in the order in which they are arranged and each such motion shall be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continues pursuant to Rule 22.

Rule 18(b). Committees shall in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith shall be printed unless the committee shall so recommend. Every bill shall be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon shall be in open session.

Rule 18(c). A recorded vote of members of a committee or subcommittee shall be taken and the name and number of those voting for, against, or abstaining shall be taken upon each measure using an electronic voting system, unless inoperable, in which case the Clerk will record the vote by response to the call of names arranged and called in the order named except that the Chair shall be called last. Such recorded vote shall be reported with the bill or resolution and ordered printed on the Calendar on any matter reported from committee and sent to the floor, including those measures reported and referred.

A recorded vote of members shall not be required on a motion to adjourn, a motion to refer or rerefer administratively, or a motion to pass by for the day or postpone for a specified time or purpose, except upon the call of the chairman or the desire of one-fifth of the members present.

Rule 18 (d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action he may bring it to the attention of the House at any time.

Rule 18(e). No member shall be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member shall be excluded from participating by electronic communication means, and members participating by electronic communication means shall not be counted in attendance for purposes of a quorum. The chairman of the committee shall maintain

order and decorum, and the business of the committee shall be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in his absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized to seek and obtain 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 chairman.

Citizens so appointed to serve may receive a daily compensation as provided in the Appropriation Act and reimbursement for their actual expenses incurred in the performance of services for the committee. For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments shall be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure shall be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an even-numbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee shall report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as shall be continued and the Clerk of the House of Delegates shall enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee shall be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill 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 and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

#### **Standards of Conduct.**

Rule 23. There shall be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom shall be members of the majority caucus and two of whom shall be nonmembers of the majority caucus, appointed by the chairman, which may review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 24. The Privileges and Elections Committee shall receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of his duties or the discharge of his responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

#### **Committee of the Whole.**

Rule 25. When the House shall go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers shall attend, and the Rules of the House shall be observed and enforced in Committee, as far as applicable, except that the previous question shall not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same shall be reported back and have its place in order as unfinished business of the House. When it shall be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, shall stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing shall be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole shall find itself without a quorum, the chairman shall cause the roll to be called and thereupon the Committee shall rise, and the chairman shall report the fact and the names of the absentees, which shall be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, shall not be debated.

## **II. Attendance and Adjournment.**

### **Attendance.**

Rule 30. No member shall absent himself from the service of the House unless he has leave granted by the Speaker or is sick or otherwise unable to attend and such leave shall be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and he is present, shall be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House shall be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker shall be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House shall be by viva voce, the names of the members shall be first called over by the Clerk, and the absentees noted; after which the names of the absentees shall be again called over. The doors shall then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or the doorkeepers, or by special messengers to be appointed for that purpose.

Rule 34. When a member shall be discharged from custody and admitted to his seat the House shall determine whether such discharge shall be with or without payment of fees and expenses.

### **Adjournment.**

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn shall always be in order and be decided without debate.

## **III. Introduction of Business.**

### **Messages, Reports, and Communications.**

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action, they may be brought at once to the attention of the House. Otherwise, they shall lie upon the Speaker's table and be disposed of in the morning hour. The same rule shall be observed with regard to messages from the Senate.

### **Introducing Legislation.**

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons signed to the measure by the chief patron, provided that each such co-patron expressly authorized the chief patron to sign for such co-patron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

No member may introduce more than 15 bills during the Regular Session of an odd-numbered year.

No bill expressly amending an existing law shall be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions shall set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, 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 where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk shall, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills shall be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker shall review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" shall not be

changed after a bill or resolution is introduced in the House. Nor shall the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent shall be introduced, considered, or acted upon otherwise than is provided by Rule 37 and shall not be acted upon until it shall have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour after the business on the Speaker's table is disposed of. A recorded vote shall be required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of two-thirds of the members elected, as required by Rule 81, shall be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions shall conform to the procedure set forth by the Clerk of the House and shall not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but shall be placed on the Calendar.

#### IV. Order of Business.

##### The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, shall be devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented under Rule 39. The business on the Speaker's table shall be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order by a majority vote of the members elected. The morning hour shall be limited to no more than 60 minutes unless otherwise ordered by the Speaker or a majority vote of the members elected.

The order of business for the morning hour as pronounced by the Speaker shall be as follows, unless otherwise directed by the Speaker:

- announcements and communications by the Clerk; introduction of guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up out of order certain memorial or commending resolutions; motions to dispense with constitutional readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves of absence per House practice;

- announcement by the Clerk of member requests to move legislation from any Uncontested Calendar to Regular Calendar per House practice; [any relevant legislation not announced may still be moved when considered under the regular order of business pursuant to Rule 49];

- announcement by Clerk relating to a list of legislation to go By for the Day subsequent to agreement of the motion by the Majority Leader for such legislation to go By for the Day and any additional motions from members for legislation to go By for the Day; [any relevant legislation may still be subject to a motion to go By for the Day or any other applicable motion when considered under the regular order of business pursuant to Rule 49];

- recognition of members for points of personal privilege; however, the Speaker may order a time limitation on members' points of personal privilege or the House may order a time limit on members' points of personal privilege by a vote of a majority of the members elected; and

- the Speaker may proceed with or return to any Morning Hour sub category if requested by a member or shall return if ordered by a majority vote of the members elected.

Pursuant to Rule 49, the Calendar shall be called at the expiration of the Morning Hour unless otherwise directed by a previously agreed to special order or joint order, or when ordered by the House by a majority vote of the members elected and such motion shall be in order at any time during the Morning Hour.

Rule 41. The annual message of the Governor shall be laid before the House as soon as it is received. It shall be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule shall be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action shall be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), shall be transferred to the

Calendar and the reading or printing on the Calendar of the titles as reported shall constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees shall be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 shall be allowed five minutes in which to explain his wishes in relation to it, after which the question on referring to a standing committee shall be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) shall be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House shall proceed to the business of the House as defined in Rule 49; however, the Speaker shall be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

#### **The Calendar.**

Rule 49. At the expiration of the morning hour, the House shall proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which shall be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.
11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business - House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar shall not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any non-technical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution shall be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from his seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it shall remain.

A Pro Forma Calendar prepared for a pro forma session of the House shall only contain new legislation reported from committee.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and shall be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein shall be considered in the same manner as measures on the Calendar.

Rule 50. 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 on according to their priorities on the Calendar.

Rule 51. If any bill or resolution shall not be ready for consideration when it is reached on the Calendar category it shall be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it shall be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour shall be resumed.

Rule 52. The regular order of business herein established shall not be changed, nor shall any special



order be made, except by vote of two-thirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

## **V. Conduct of Business.**

### **Order and Decorum.**

Rule 53. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the House. If the decision relates to a question of decorum or propriety of conduct, it shall not be debatable; if it relates to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member shall speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak he shall respectfully address, "Mr. Speaker," standing in his place; he shall confine himself strictly to the question before the House, and when he has finished he shall sit down.

Rule 55. When two or more members request to speak or rise at the same time the Speaker shall name the person to speak.

Rule 56. Every motion or proposition shall be reduced to writing, if desired by the Speaker or any member, and shall be delivered at the Clerk's table to be there read; and the question shall be stated by the Chair before the same shall be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question shall be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which shall not be withdrawn without leave of the House.

Rule 57. No member shall in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker shall, or any member may, call him to order; in which case the member called to order shall immediately take his seat unless permitted to explain. If there be no appeal, the decision of the Chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed; otherwise, he shall not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member shall be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to shall be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member shall, while the House is sitting, interrupt or hinder its business by standing up, leaving his place, moving about the Hall, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member shall speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

### **Ascertaining the Question.**

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert shall not be so divided; nor shall a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question shall be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, shall be admitted under color of amendment.

Rule 62(b). The Speaker shall determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion shall be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions shall have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover shall be allowed two minutes to state the reason for his motion, and one member opposed to the motion shall be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question shall not be debated; nor shall debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House shall be decided and settled, whether on appeal or

otherwise, without debate; and the same rule shall apply to incidental questions rising after any question is put to the House.

#### **Pending and Previous Questions.**

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the House. Two-thirds of the members present shall be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

#### **Taking the Vote.**

Rule 67. The Speaker shall rise to put a question, but may state it sitting. Questions shall be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House shall divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker shall cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they shall not be again demanded on the same question. Any member shall have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote shall on the demand of any member be counted on the negative of the question and when the yeas and nays are taken shall, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question shall either vote or be counted upon it.

#### **Reconsideration.**

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and shall take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider shall be decided by a majority of the votes of the members present.

#### **Bills and Amendments.**

Rule 71. Every bill shall be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it shall be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it shall be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question shall be "Whether it shall be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it shall be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there shall be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute shall be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to

the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed shall not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment shall only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading shall not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill shall be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation shall be added to the general appropriation bill, and no amendment to increase any tax shall be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, a Governor's recommendation to be agreed to, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation shall wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker shall appoint the House membership to the committee. A majority of the members of each house on the committee of conference shall agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees shall be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). Any conference committee on the Budget Bill shall complete its deliberations and make the report of such conference available to the House as soon as practicable. The House shall consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report shall clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.

Rule 76. On the third reading or printing on the Calendar of a bill, the question shall be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered shall be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

#### **Withdrawals of Exhibits.**

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or he may leave attested copies, for which he shall pay the Clerk at the rate provided by law for other copies made by him.

#### **Messages.**

Rule 79. It shall be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication shall be made in relation to any action of the House while it remains open for consideration.

#### **Manual and Rules.**

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House shall be adopted in even-numbered years by a majority vote of members elected and shall remain in effect for two years coinciding with the terms of members. The Rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill shall require a majority of those voting, which shall include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, shall not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House shall be submitted in writing and forthwith printed. In its printed form it shall lie upon the Speaker's table for five days and be read by the House during the morning hour of each day during that time. At the expiration of five days it shall be ready for consideration and may be adopted or rejected by a majority vote of the members elected; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House shall not be changed or suspended save by a vote of two-thirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to object.

**Hall of the House of Delegates.**

Rule 82. The Hall of the House of Delegates shall be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate shall be permitted on the floor of the House during the session; however, the privileges granted hereunder shall not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body shall enforce this rule under the direction of the Speaker.

**Capitol and General Assembly Building.**

Rule 84. The areas of the Capitol and the Pocahontas Building ("General Assembly Building") assigned to the House of Delegates, members of the House of Delegates, their legislative support staff, the clerical staff of the House of Delegates, the Office of the Clerk of the House of Delegates, 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 House or the Rules Committee.