

RULES OF THE SENATE

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NOTE CONCERNING ANNOTATIONS
OF RULES OF THE SENATE

The annotations of the Senate Rules are of three general classifications, namely, Editorial Notes, Notes of Rulings, and Notes of Congressional Precedents.

The Notes of Rulings are arranged in chronological order under the respective rules to which they relate.

Following each of the Notes of Rulings, is given the name of the presiding officer who made the ruling.

The references in the Notes of Rulings are to the pages of the Senate Journal of the legislative session indicated. The references in the Notes of Congressional Precedents are to the volumes and sections indicated of Hinds' Precedents and Cannon's Precedents.

RULES OF THE SENATE

WITH ANNOTATIONS

QUORUM

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn (or recess) from day to day, and compel the attendance of absent members. (See Constitution, Art. III, Sec. 10.)

Editorial Note

The exact text of Section 10 of Article III of the State Constitution is as follows:

"Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide."

Notes of Rulings

Twenty Members of the Senate constitute a quorum when only thirty Members have qualified (President pro tempore Dean, Senator Alderice, 35th, 2nd Called, 23, 32).

Any Member may raise the point that no quorum is present and demand that the presence of a quorum be ascertained before further business is transacted (Senator Pollard, 38th Reg., 472).

A roll call to determine the presence or absence of a quorum that reveals no quorum present automatically suspends all business except action on motions to adjourn, motions to compel attendance of absentees, and motions for a call of the Senate (Senator Taylor, 50th Reg., 486; Lieutenant Governor Shivers, 50th Reg., 889).

A point of order that no quorum is present does not deter continued transaction of business by Senate if in fact a quorum is known by the Presiding Officer to be present and he so announces (President pro tempore Ramsey, 50th Reg., 417).

The raising of a point of order that no quorum is present justifies an order by the Presiding Officer that the roll be called to ascertain the presence or absence of a quorum (Senator Aikin, 50th Reg., 417).

The raising of a point of order that there is no quorum present is equivalent to a request that the President have a count of Senators present made or the roll called to determine definitely whether or not there is a quorum present and is usually followed by the President's directing the roll to be called. (Point of order by Senator Hardeman, Lieutenant Governor Shivers in the Chair; point by Senator Bullock, Senator Moffett in the Chair, 50th Reg., 889, 1124.)

ABSENTEES

2. In case a less number shall convene, the Members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent Members.

Notes of Rulings

The attendance of absentees may be enforced only on order of Senators present (Senator Winfield, 48th Reg., p. 355).

The attendance of absentees may be enforced although a quorum is present (President pro tempore Mauritz, 48th Reg., p. 508).

3. No Member shall absent himself from the sessions of the Senate without leave unless he be sick or unable to attend.

Editorial Note

Rule 71, subdivision (a), item (2) provides that a vote of two-thirds of the Members present shall be required "to excuse absentees." The main effect of granting leave to an absent Member is that he is recorded "absent—excused" on all votes taken instead of "absent."

ROLL CALL

4. Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

CALL OF THE SENATE

It shall be in order to move a call of the Senate

at any time to secure, to maintain, or to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution or other measure.

(b) For a definite period of time or for the consideration of any particular class of bills.

When a call of the Senate is moved for one of the above purposes and seconded by five members, and ordered by a majority of those present, the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no Member be permitted to leave the Senate without written permission of the Presiding Officer until after the subject matter upon which the call was ordered has been disposed of. The Secretary shall call the roll of Members and note the absentees and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested wherever they may be found, by the Sergeant-at-Arms or officers appointed by him for that purpose, and their attendance secured and retained, and the Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the Hall of the Senate, and they shall report their names to the Secretary to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent Members or to adjourn. (As amended January 12, 1949.)

SENATE'S RIGHT TO AWAIT ATTENDANCE OF ALL ABSENTEES

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered, or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate.

When a call of the Senate is ordered, as hereinabove authorized, the Hall of the Senate shall be held to include the Senate Chamber, the Sergeant-at-Arms room, the Senate reception room, the Senate cloak room and the corridors leading thereto.

Editorial Note

After a call has been ordered and a quorum has been announced present, it is then proper for the Senate to resume the transaction of business, or, on the adoption of a motion to do so, to secure the attendance of one or more of the Members still absent before resuming consideration of any business.

It is, no doubt, within the province of the Senate to adopt a rule authorizing the Presiding Officer of the Senate during a call of the Senate to issue to any absentee a written demand that the absentee attend the Senate's session and giving to the Sergeant-at-Arms or his deputies authority to serve and to enforce the demand by whatever means necessary.

Notes of Rulings

The disclosure of the presence of a quorum during a call to secure and maintain a quorum does not automatically dissolve the call (Senator Meachum, 32nd Reg., p. 1274).

A motion for a call of the Senate merely "to maintain a quorum" is not in order (Senator Woodul, 43rd Reg., 1429).

A motion for a call of the Senate may not include a further provision to grant leaves of absence to certain Members (Senator Woodruff, 43rd Reg., 1654).

A call of the Senate may not be ordered to maintain a quorum

"until the final disposition" of a particular bill unless that bill is "pending before the Senate" (President pro tempore Will M. Martin, 44th, 1st Called, 262).

A motion for a call of Senate "to obtain a quorum" is not in order if a quorum is present (Lieutenant Governor Stevenson, 47th Reg., 1007).

When under a call, the Senate may compel and await the attendance of all or any number of the absentees before proceeding to transaction of business (President pro tempore Mauritz, 48th Reg., 508, 553).

A roll call, following a point of "no quorum," which reveals the absence of a quorum, prevents further consideration of a bill that is being considered on passage to third reading until a quorum is present and permits a motion to be made that a call of the Senate be ordered for the purpose of securing and maintaining a quorum until the disposition of the bill. (Point of order by Senator Chadick, Senator Aikin in the Chair, 50th Reg., 1137; point of order by Senator Chadick, Lieutenant Governor Shivers in the Chair, 50th Reg., 1181.)

PRESIDING OFFICER OF THE SENATE

5. The Lieutenant Governor of the State shall, by virtue of his Office, be President of the Senate [Constitution, Art. IV, Sec. 16]; decide all questions of order, subject to appeal by any Member; have direction and control of all committee clerks and employees of the Senate and assign them to their duties. He shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers. He shall have the right to name a Member to perform the duties of the Chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another Member to preside, and if a majority of the Senators present so vote, the Member called to the Chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the Chair, and the Member elected by a majority shall preside until the Lieu-

tenant Governor or President Pro Tempore shall take the gavel and preside. (See also Section 9 of Article III of Constitution and Senate Rule 23.)

Editorial Note

The President of the Senate may refuse to rule on a point of order relating to the constitutionality of the substance of a proposition or on one that does not relate to any question of procedure or practice. (See also Rule 23, p. 421.)

Note of Ruling

No motion is in order while a point of order is pending (Senator Woodruff, 43rd Reg., 1156).

Notes of Congressional Precedents

The Chair may inquire for what purpose a Member rises and then may deny recognition (C. P. VI, 289). The actual exercise of the power of recognition is not subject to a point of order (C. P. VI, 294). The Speaker may require that a question of order be presented in writing (V, 6865). He is not required to decide a question not directly presented by the proceedings (II, 1314). Debate on a point of order being for his information is within his discretion (V, 6919, 6920).

He does not decide on the legislative effect of propositions (II, 1274, 1323, 1324), or on the consistency of proposed action with other acts of the House (II, 1327-1336), or on the propriety or expediency of a proposed course of action (II, 1275, 1325, 1326, 1337; IV, 3091-3093, 3127).

The right of appeal cannot be taken away from the House (V, 6002), but appeals may not be entertained from a response to parliamentary inquiries (V, 6002). An appeal from the decision of the Chair may be entertained during the proceedings to secure a quorum (H. P. IV, 3037).

ELECTION OF PRESIDENT PRO TEMPORE

6. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case absence or disability

of that officer and whenever the said office of Lieutenant Governor shall be vacant. (See Constitution, Art. III, Sec. 9.)

Editorial Note

In the absence of both the Lieutenant Governor and President pro tempore for a short period of time, either of them may designate in writing a Senator to occupy the Chair, but in case the President pro tempore is compelled, for any reason, to be absent for an extended or indefinite period, the Senate elects another President pro tempore. For the form of the designation by the Lieutenant Governor or President pro tempore, see Senate Journal, Regular Session, 49th Legislature, page 515.

REMOVAL OF SENATOR FROM CHAIR

7. If any Senator other than the regularly elected President Pro Tempore be presiding and fails or refuses to recognize any Senator to make a motion that is in order, or to raise a point of order that it is in order to raise, or fails or refuses to entertain an appeal from his decision, or to put such question to the Senate or fails to recognize any Senator to demand that a point of order under discussion be immediately decided, or fails to put the question, if seconded by ten Senators, "Shall the point of order be now decided?" such Senator so offending shall be deemed guilty of violating the high privileges of the Senate, and until such offending Senator shall purge himself of such contempt and be excused by the Senate, he shall not again be called to the Chair during the session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order, or to entertain the motion, the point of order, or appeal of any Senator, or to pass upon the same, or to recog-

nize a Senator to make the demand when seconded by ten Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may rise in his seat, and without recognition, read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in his refusal, then any number of Senators constituting a majority of the Senators present may present such written demand to the Sergeant-at-Arms, or the Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer, or either of them, to arrest said Senator so presiding and eject him from the Chair, and retain him under arrest until he shall be released by order of the Senate.

Should the Sergeant-at-Arms or the Assistant Sergeant-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the Chair remains vacant, the Secretary shall call the Senate to order, and a President Pro Tempore ad interim shall be elected to preside until the Lieutenant Governor or a regular elected President Pro Tempore shall appear and take the gavel.

As soon as order is restored the Chair shall cause a record of the fact of removal to be made.

Editorial Note

This rule is one of several first adopted in 1911 to prevent the Lieutenant Governor or any Senator occupying the Chair temporarily and the Senators opposing a measure from killing it by dilatory tactics.

ELECTION OF OFFICERS

8. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Chaplain and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate, who shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate. (As amended January 12, 1949.)

Editorial Note

This rule is not binding unless and until it is adopted by the Senate at its biennial session. The Senate may, of course, omit the adoption of the rule as written and provide by a simple resolution for the election of such officers as it sees fit.

OPEN DOORS

9. The doors of the Senate shall be kept open, except when there is an executive session. (See Constitution, Art. III, Sec. 16.)

Editorial Note

When the Senate is in session, the entrances to the main floor of the Senate Chamber are closed, but the galleries are always open to the public except when Senate is in executive session.

ORDER OF BUSINESS

10. The Presiding Officer shall take the Chair at the hour to which the Senate last adjourned.

ROLL CALL, PRAYER BY CHAPLAIN, READING OF
JOURNAL

11. The names of the Senators shall be called

alphabetically; should a quorum not be in attendance, a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum present, prayer shall be offered by the Chaplain, and then the Journal of the preceding day shall be read and corrected, if necessary.

MORNING CALL

12. The President then shall call:

- (1) For petitions and memorials.
- (2) For reports from standing committees.
- (3) For reports from select committees.
- (4) For Senate Bills on first reading.
- (5) For introduction of resolutions.
- (6) For messages and executive communications.
- (7) For motions to print on minority report.
- (8) For other motions not provided herein.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order; and the Presiding Officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule. (As amended June 6, 1947.)

Editorial Note

The last paragraph of the foregoing rule was adopted by the Senate on June 6, 1947.

A motion to set a bill for a special order may be made under item (8) of this rule, and motions to reconsider, to print or not print bills, and to re-refer bills may properly be made under item (8) of the morning call.

ORDER OF CONSIDERING BILLS AND RESOLUTIONS

13. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) Special orders.
- (2) Unfinished business.
- (3) Senate Joint Resolutions.
- (4) Senate Resolutions.
- (5) Senate Concurrent Resolutions.
- (6) Senate Bills on third reading.
- (7) Senate Bills on second reading.
- (8) House Joint Resolutions.
- (9) House Bills on third reading.
- (10) House Bills on second reading.
- (11) House Concurrent Resolutions.

The above order is for Senate Bill days, except as modified by the Joint Rules.

Notes of Rulings

The order of business as set forth above may be changed by a two-thirds vote of the Senate (Lieutenant Governor Witt, 42nd Reg., 1682).

The Senate may not provide by resolution for the consideration of one particular bill out of its order and ahead of all other bills on the calendar of bills on the President's table (President pro tempore Pace, 45th Reg., 1211).

The Senate may, by the adoption of a resolution [by a two-thirds vote] provide for consideration of a given class of bills out of their regular order and prior to the consideration of any bills that may have been set previously as special orders (President pro tempore Pace, 45th Reg., 1212, 1213).

A House bill laid before the Senate as an unfinished special order should be disposed of before any other House bill which has been set for a special order is taken up for consideration (Lieutenant Governor Stevenson, 46th Reg., 1853).

A motion to suspend the regular order of business is not in order while other business is pending under a rule suspension (Lieutenant Governor Stevenson, 46th Reg., 1886).

The bill next on calendar is not to be passed over, due to author's absence (President pro tempore Cotten, 47th Reg., 397).

A bill being considered during a period set aside for the consideration of bills of a particular classification loses its place as pending business when that period has expired (Lieutenant Governor Smith, 49th Reg., 1233).

HOUSE BILL DAYS

14. After the morning call has been concluded on calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House Bills on special order and on third and second readings, respectively, and House Concurrent Resolutions, shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

Editorial Note

This rule is the same as joint rule 20 except joint rule 20 contains the following additional clause: "provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the Senate to permit the continued consideration of such pending business."

Notes of Rulings

A House bill, by a two-thirds vote, may be taken up and considered by the Senate on any day of the week (Lieutenant Governor Stevenson, 46th Reg., 634-635).

The Senate may set a House bill for consideration and proceed to consider it on any day. In 1925, Senator Fairchild raised the point that the Senate could not consider a House bill on any days except Wednesday and Thursday, his contention being that since the Senate rules and Joint rules set aside Wednesday and Thursday of each week for the consideration of House Bills no such bill may be considered on any other days of the week except under a suspension of both the Senate and the Joint rules. Lieutenant Governor Barry

Miller refused to rule on the point of order and submitted it to the Senate for its decision. The Senate refused to sustain the point of order by a vote of 10 yeas, 21 nays. (39th Reg. Sess., 1110-1111.)

When the Senate adjourns on Thursday of any week with a House bill pending, the bill then pending, whether it is a special order or not, may not be further considered until Wednesday of the next succeeding week unless the Senate by a two-thirds vote agrees to consider it further prior to that day (Lieutenant Governor Stevenson, 46th Reg., 1704).

House bills may be considered in Senate under a suspension of the regular order of business on days other than calendar Wednesday and calendar Thursday (Lieutenant Governor Smith, 48th Reg., 1051).

SPECIAL ORDERS

15. Any bill, resolution or other measure may, on any day, be made a special order for a future time of the session by an affirmative vote of two-thirds of the Members present.

Note of Ruling

An affirmative vote of two-thirds of all Senators present including those who ask to be recorded as "present—not voting" is required to set a special order (Lieutenant Governor Smith, 49th Reg., 427).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration. (Point of order by Senator Harris; ruling by Senator Morris, 50th Reg., 1005.)

16. A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the Members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order; provided further that all special orders shall be subject to the Joint Rules and Senate Rule 14.

Editorial Note

A bill once set as a special order does not lose its place on the calendar of special orders if not taken up at the hour for which it is set.

A special order, the hour for the consideration of which has arrived, takes precedence of the unfinished business unless the unfinished business is itself a special order.

Notes of Rulings

A bill being considered as a special order that is laid on the table subject to call is no longer a special order (Lieutenant Governor Witt, 43rd Reg., 980).

Refusal of Senate to set bill as special order for a certain hour does not prevent a motion's being made and adopted immediately thereafter to set the bill as a special order for a different specified hour (Lieutenant Governor Woodul, 45th Reg., 860).

The motion to suspend the constitutional rule, to place on third reading and final passage a bill that has been passed to third reading or engrossment may be made and voted on, and the bill to which it applies may be taken up and passed, although the hour for the consideration of one or more bills set as special orders has arrived before the motion to suspend is made (Lieutenant Governor Woodul, 45th Reg., 1555).

A motion to set a bill as a special order may not be made when a bill is pending on final passage (Lieutenant Governor Woodul, 45th Reg., 1640).

A bill in the hands of the Senate printer of bills may be set as a special order for consideration at a future specified hour (Lieutenant Governor Woodul, 45th, 2nd Called, 147).

A House bill may be set as a special order for consideration on a day that is not a House Bill day in the Senate and may be taken up and considered at the time for which it has been so set (Lieutenant Governor Woodul, 45th, 2nd Called, 181).

An unfinished special order should be disposed of before any other special order is laid before the Senate (Lieutenant Governor Stevenson, 46th Reg., 1853).

The Senate, by a two-thirds vote, may take up a bill out of its regular order for immediate consideration although there is an unfinished special order on the President's table awaiting the Senate's consideration (Lieutenant Governor Smith, 49th Reg., 1053).

DECORUM AND DEBATE

17. When a Senator is about to speak in debate

or to communicate any matter to the Senate, he shall rise in his place and address the President.

Editorial Note

A Member who desires to speak on a pending question should address the Chair, and, having obtained recognition, may speak, in an orderly and parliamentary way, and subject to the rules of the Senate, as long as he desires.

RECOGNITION OF MEMBERS IN DEBATE

18. When two or more Members rise at once, the Presiding Officer shall decide which one shall speak first, but from his decision an appeal without debate may be taken to the Senate by any Member.

Editorial Note

When a bill or other measure is before the Senate, the President first recognizes, for motions for its disposition, the author or sponsor of the bill, who is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. In recognition for general debate, the President alternates between those favoring and those opposing a measure.

Notes of Rulings

If the sponsor of a bill does not seek recognition to debate the question of its passage, and another Member obtains the floor to debate it, the Member so obtaining the floor should be permitted to finish his remarks on the bill before the sponsor is allowed to discuss it (Lieutenant Governor Stevenson, 46th Reg., 1869).

SPEAKING MORE THAN ONCE IN SINGLE DEBATE

19. No Member shall speak more than once in any one debate until every Member desiring to do so shall have spoken, nor shall any Member speak more than twice in any one debate without leave of the Senate.

Note of Ruling

A Senator who yields the floor for a motion to adjourn without having concluded his address does not have to await the debate of all other Senators desiring to be heard on the question being considered before being recognized to resume and conclude his address. (President pro tempore Vick, overruling point of order by Senator Taylor, 51st Reg., 181.)

MEMBER CALLED TO ORDER

20. When a Member shall be called to order by the President, or by a Senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in his favor he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

In 1925, Senator Fairchild obtained the floor to discuss a point of order which he had raised. Pending his remarks, Senator Wood raised the point of order that Senator Fairchild was not discussing the point of order but another matter. Lieutenant Governor Barry Miller sustained the point of order and submitted to the Senate the question of whether or not Senator Fairchild would be permitted to continue his discussion. The Senate refused to permit Senator Fairchild to continue the discussion by a vote of yeas 15, nays 16 (39th Reg., 1110).

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

21. Whenever a Member is called to order by the President of the Senate, or by the Presiding Officer then in the Chair, in accordance with Rule 20 hereof, and such Member fails to sit down and be in order, but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or his assistants upon the direction of the Presiding Officer to require such recalcitrant Member to take his seat and be in order. Any Member who persists in disorderly con-

duct, after being warned by the Presiding Officer, may, by motion duly made and carried by a two-thirds vote of the Members in attendance, be required to purge himself of such misconduct and until such Member has purged himself of such misconduct he shall not be entitled to the privileges of the floor.

Editorial Notes

When speaking, a Member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition.

USE OF EXCEPTIONAL WORDS

22. If a Member be called to order for using exceptional words, they shall be immediately taken down in writing, that the President may be better enabled to judge them.

RULINGS BY PRESIDENT

23. Every question of order shall in the first instance be decided by the President, from whose decision any Member may appeal to the Senate.

Editorial Note

A Member called to the Chair pending an appeal does not entertain any motions nor accept any further point of order.

See also Editorial Note and Notes of Congressional Precedents on page 406.

INTERRUPTION OF PRESIDENT

24. While the President is putting the question or addressing the Senate, he shall not be interrupted.

INTERRUPTION OF MEMBER SPEAKING

25. While a Member has the floor, no Member shall interrupt him or otherwise interrupt the business of the Senate, except for the purpose of making a point of order, calling him to order, or for the purpose of moving the previous question, or for the purpose of demanding that a point of order under discussion or consideration be immediately decided; and any Member shall, though another Member has the floor, be recognized by the Presiding Officer, and be in order to call to order the Member, to make a point of order, or to move the previous question, or to demand that a point of order be immediately decided.

Editorial Notes

It is the custom of the President to request a Member to yield for a message.

Although there is no Senate rule by which a Member can be taken from the floor for pursuing "dilatatory tactics" (Lieutenant Governor Miller, 40th Reg., 882) a Senator who has been repeatedly called to order for not confining his debate to the question before the Senate, may be required by the Senate to discontinue his address.

A point of order against further debate of a question by a Senator on the ground that his remarks are not germane to the question before the Senate is often disposed of by the Chair with a warning to the Senator who has the floor to confine his remarks to the pending question.

The point of order having been raised for the third time that a Senator who had the floor was filibustering and not confining his remarks to the bill before the Senate, the Chair requested the Senate to vote on the point of order. It was sustained and the Senator speaking yielded the floor (44th Reg., 1780).

The withdrawal of a pending motion by its maker is a privilege that may be exercised at any time, even while a Member is addressing the Senate. (See Senate Journal, 46th Legislature, Regular Session, pages 1931, 2112-2113; also Senate Journal, 50th Legislature, Regular Session, page 1237.)

Notes of Rulings

A Member who has the floor may not be removed by the adoption of a motion for the previous question (Lieutenant Governor T. W. Davidson, 38th Reg., 1169).

Reading a bill at length is a method of evading discussion of the pending bill and calls for a vote of the Senate on the question of permitting a Senator so doing to retain the floor (Lieutenant Governor Barry Miller, 40th Reg., 882-883).

A Member who yields the floor for a motion to recess is customarily accorded the right to resume his remarks when and if the motion is voted on and lost; and a Member may yield the floor for the consideration of certain measures and resume later if unanimous consent is given by the Senate (Lieutenant Governor Witt, 42nd Reg., 1388-2489).

By raising a point of order, the speaker loses his right to resume speaking if the previous question has been ordered (Lieutenant Governor Witt, 42nd Reg., 1683).

By yielding for a motion to adjourn, the speaker loses the floor but may be recognized again by the Chair when consideration of the question on which he is speaking is resumed (Lieutenant Governor Witt, 42nd 2nd Called, 35).

The motion for the previous question may be made at any time, even when another Member has the floor (Senator Weaver Moore, 42nd 2nd Called, 236).

Reading a portion of a bill pertinent to the pending question as part of Senator's remarks is not out of order (Lieutenant Governor Witt, 42nd 3rd Called, 59).

A Member may not take the floor on a point of personal privilege while another Member is addressing the Senate (Lieutenant Governor Witt,, 43rd Reg., 1430).

A parliamentary inquiry is a privileged matter (Lieutenant Governor Witt, 43rd Reg., 1430).

For ruling by Lieutenant Governor Woodul that a Senator was consuming the time of the Senate unnecessarily, see Senate Journal, 44th Legislature, 1st Called Session, pages 359 and 430.

A speaker yielding the floor for the reception of a message from the House does not lose his right to resume the floor immediately after message received (Lieutenant Governor Stevenson, 46th Reg., 1873).

The author of an amendment, by continuing an address on an amendment that has been accepted by the sponsor of the bill under consideration, is not necessarily pursuing dilatory tactics (Lieutenant Governor Stevenson, 46th Reg., 2047).

Remarks not in the nature of an inquiry are not in order by a Mem-

ber to whom a Senator has yielded for a question (Senator Aikin, 48th Reg., 519).

A digression by a Senator in his speech on a pending amendment to another subject does not ban his resuming and continuing a germane discussion of the amendment. (Ruling by Senator Aikin, overruling point of order by Senator Cousins, 50th Reg., 417.)

A second digression by a Senator on the floor from a discussion of the pending amendment does not necessarily prevent his resuming and continuing a germane discussion of the amendment. (Ruling by Senator Aikin, overruling point of order by Senator Cousins, 50th Reg., 418.)

Raising of a third point of order against further debate by a Senator on the floor who has digressed for a third time from a discussion of the pending amendment, after having been twice requested to confine his debate to the amendment, justifies the presiding officer in calling for a vote by the Senate on the question of whether or not he shall be permitted to resume and continue his remarks. (Point of order by Senator Harris; ruling by Senator Aikin; point withdrawn before vote taken; 50th Reg., 418.)

A Senator addressing the Senate may not yield the floor temporarily except by unanimous consent to allow an address by another Senator on a point of personal privilege. (Point of order by Senator Morris, ruling by President pro tempore Ramsey, 50th Reg., 483.)

Notes of Congressional Precedents

A Member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn, unless he shall yield for that purpose (V, 5369-5370). A Member who yields the floor for a motion to adjourn is customarily recognized to continue when the subject is again resumed. (V, 5009, 5010.) A Member may also resume his seat while a paper is being read in his time without losing his right to the floor (V, 5015). A Member desiring to interrupt another Member in debate should address the Chair for permission of the Member speaking, but the latter may exercise his own discretion as to whether or not he will yield (V, 5006, 5007, 5008).

MOTIONS AND THEIR PRECEDENCE

26. When a question is under consideration by the Senate, no motion shall be made except:

- (1) To fix the day to which the Senate shall adjourn or recess.
- (2) To adjourn or recess.

(3) To proceed to the transaction of executive business.

(4) The previous question.

(5) To lay on the table.

(6) To lay on the table subject to call.

(7) To postpone to a time certain.

(8) To commit.

(9) To amend.

(10) To postpone indefinitely.

Which several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken; but the votes shall be taken on all such motions made in the order of the precedence above stated.

Editorial Note

Rule 26 apparently prevents a motion to suspend a pending question for the purpose of taking up another, but the Senate's presiding officers have recently interpreted Item 5 of Rule 71 to mean that any rule of the Senate may be amended, suspended, or rescinded by a two-thirds vote at any time and that a motion to suspend Rule 26 and any other interfering rule in order to take up for immediate consideration a question different from the one pending is in order. However, an undebatable privileged question that is pending or a question that is itself under consideration as the result of a rule suspension should be disposed of by the Senate before another question is taken up under a suspension of the rules. (See ruling by Lieutenant Governor Stevenson, second paragraph, page 345.) No rule suspension, of course, is in order during the morning call.

There are several kinds of motions to amend, which motions have precedence in the order named below:

1. Committee amendments and amendments by the author or Senator in charge of the bill offered from the floor to the body of the bill.
2. Other amendments offered from the floor to the body of the bill.
3. Amendments to the caption of the bill.
4. Amendments to strike out the enacting clause of a bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

Notes of Rulings

Adjourn

(See also Rule 97, page 469-470.)

After a motion to adjourn has been made no business may precede a vote on the motion except by unanimous consent (Lieutenant Governor Witt, 43rd Reg., 906).

Table

A motion to table report of conference committee is not in order (Lieutenant Governor Coke R. Stevenson, 47th Reg., 1128).

Table Subject to Call

A motion to table a bill subject to call is not a proper substitute motion for a motion to set a bill as special order (Lieutenant Governor Woodul, 45th Reg., 1426).

A motion to call from the table a bill tabled subject to call is not in order while joint resolution on passage to third reading is pending (Lieutenant Governor Smith, 49th Reg., 820).

The motion to table subject to call is not debatable. (Ruling by Senator Kelley of Hidalgo, sustaining point of order by Senator Harris, 51st Reg., 1336.)

Postpone

When the hour to which a bill postponed to a time certain arrives, the postponed measure does not immediately displace a special order (or other matter) already under consideration by the Senate (Lieutenant Governor Woodul, 45th Reg., 1854).

Commit

A motion to recommit a bill permits discussion of the merits of the bill (Lieutenant Governor Witt, 42nd Reg., 496).

Amend

[For rulings relating to germaneness of amendments, see under Rule 36.]

The Senate may amend a revenue bill from the House by adding a new field of taxation, and so may place a tax on cigarettes in a bill levying certain other taxes (Lieutenant Governor Witt, 42nd Reg., 893).

An amendment directly contrary to and including the same subject matter as an amendment previously adopted is not in order (Lieutenant Governor Witt, 42nd Reg., 242).

It is not in order to attempt to take out matter inserted after the Senate has refused to reconsider the vote by which it was inserted (Lieutenant Governor Witt, 42nd Reg.).

An amendment defeated at a particular stage of a bill may not

be again submitted at the same stage of the bill (Lieutenant Governor Witt, 42nd, 1st Called, 647).

Amendment having the same effect as an amendment which has been defeated is not in order (Senator Berkeley, 42nd, 2nd Called, 95).

A substitute for both an amendment and an amendment to an amendment is in order (Lieutenant Governor Witt, 43rd Reg., 1367).

An amendment that has been tabled may not be offered again at the same stage of the bill (44th Reg., 156).

A substitute for a substitute is not in order (Lieutenant Governor Woodul, 44th Reg., 613).

Matter identical with that stricken from a bill by amendment may not be re-inserted at the same stage by further amendment (Lieutenant Governor Woodul, 44th Reg., 867).

A single substitute for both an amendment and an amendment to the amendment may be offered (Lieutenant Governor Woodul, 44th, 2nd Called, 24).

An amendment accomplishing same result as defeated amendment but different in text and inserted in bill at different place is in order (Lieutenant Governor Woodul, 45th Reg., 622).

An amendment containing only one of several provisions contained in a defeated amendment is in order (Senator Moore, 45th Reg., 1348).

An amendment, defeated at one stage of a bill, is again in order when the bill has reached another stage (Senator Rawlings, 45th Reg., 1642).

An amendment to make an appropriation from the available school fund for a purpose not authorized by the Constitution is not in order (Lieutenant Governor Woodul, 45th 2nd Called, 80-81).

An amendment changing only load limit in bill relating to weight of trucks is a proper substitute for amendment striking out all after enacting clause and inserting new text (Lieutenant Governor Stevenson, 47th Reg., 475).

An amendment inserted in a bill by an amendment is not subject to change at same stage of bill (President pro tempore Mauritz, 48th Reg., 841).

A substitute for an amendment is not in order if the substitute relates to a different subject matter (President pro tempore Moffett, 49th Reg., 436).

An amendment to a joint resolution, defeated when the resolution is on passage to engrossment, may be offered again when resolution is on final passage (Lieutenant Governor Smith, 49th Reg., 444).

An amendment to levy tax on fuel used in aircraft offered to bill exempting from motor fuel tax law fuels used for non-highway purposes subjects the bill to the constitutional prohibition against revenue-raising measures originating in Senate and is not in order (President pro tempore Moffett, 49th Reg., 527).

An amendment to permit a loan by the State in violation of the Constitution is not in order (Lieutenant Governor Smith, 49th Reg., 613).

A point of order that a line and word reference in a proposed amendment is incorrect does not deter consideration of the amendment containing the reference (President pro tempore Ramsey, 50th Reg., 422).

An amendment to fix the consideration for extension of a State mineral lease at "not less than the true and actual value at the time as determined by said Commissioner of the General Land Office" is not the same as a defeated amendment (offered at the same stage of the bill) to fix the consideration at "the true and actual value of such lease as determined by said School Land Board," and may therefore be considered by the Senate notwithstanding the defeat of the first amendment. (Ruling by President pro tempore Ramsey, overruling point of order by Senator Carney, 50th Reg., 422.)

An amendment making it mandatory that the salaries of certain county officers be raised is not in order, after the adoption (at the same stage of the bill) of an amendment that makes the raising of those salaries permissive instead of mandatory. (Point of order by Senator Strauss, ruling by Lieutenant Governor Shivers, 50th Reg., 826.)

An amendment that has been tabled may not be again considered at the same stage of the bill, even though it is resubmitted as only one of two distinct propositions in another amendment. (Ruling by Lieutenant Governor Shivers, sustaining point of order by Senator Morris, 51st Reg., 183.)

An amendment substantially different in any particular from one defeated would not be out of order because of its similarity to the defeated amendment. (Ruling by President pro tempore Vick, overruling point of order by Senator Kelley of Hidalgo, 51st Reg., 628.)

An amendment making an appropriation for the conversion of certain properties to be donated to the State by the Southwestern Medical Foundation into a College of Medicine of the University of Texas is not in violation of Section 6 of Article XVI of the Constitution prohibiting appropriations for private or individual purposes. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Morris, 51st Reg., 1127.)

An amendment which makes a revenue-raising measure of a bill further defining the term "carbon black" as used in the omnibus tax law is not in order. (Lieutenant Governor Shivers, sustaining point of order by Senator Carney, 51st Reg., 1641.)

An amendment that does not indicate the portion of a bill it seeks to change is not in order (Senator Hardeman, sustaining point of order by Senator Phillips, 51st, 1st Called, 95).

Notes of Congressional Precedents**Table**

The motion to lay on the table is used as a final, adverse disposition of a matter without debate (V, 5389). It may not be amended (V, 5754) or applied to the motions for the previous question (V, 5410-5411), to suspend the rules (V, 5405), or to any motion relating to the order of business, except the motion to discharge a committee (V, 5403, 5404, 5407). (V, 5709.)

Postpone Indefinitely

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied (V, 5316). It may not be applied to the motion to refer (V, 5317), or to suspend the rules (V, 5316) or to any subsidiary motion.

LIMITATION OF DEBATE

27. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure, or whichever one of the several authors of the same may be by them selected so to do, shall have the right, when a motion to lay on the table shall have been made to close the debate, which privilege he may yield to any other Senator subject to all of the Rules of the Senate.

Editorial Note

If the Member having the right to close after a motion to table yields his right to another Senator, he is not permitted himself to debate the question any further.

Notes of Rulings

The substance of a bill may be stated under a motion to suspend the order of business to take up for consideration (Senator Gibson, 35th Reg., 1149).

After one or more motions to adjourn have been made, no further business can be transacted until the next legislative day or the defeat of all the motions made to adjourn (Lieutenant Governor Witt, 43rd Reg., 906).

Motion to lay resolution on table subject to call is not debatable (Senator Small, 43rd Reg., 261).

A motion to suspend the regular order of business to take up bill out of its regular order is debatable (Lieutenant Governor Witt, 43rd Reg., 1389).

The motion to suspend the regular order of business and take up a bill permits a discussion of the merits of the bill (President pro tempore Walter Woodul, 43rd Reg., 1498).

The motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable (Lieutenant Governor Woodul, 44th Reg., 368-369).

The motion to table subject to call is not debatable (Lieutenant Governor Stevenson, 46th Reg., 479).

A resolution to fix date of sine die adjournment is debatable (Lieutenant Governor Stevenson, 47th Reg., 1902).

When an amendment to a bill is pending, all debate must relate to the amendment (Lieutenant Governor Smith, 49th Reg., 1019).

A motion to suspend the regular order of business and take up a certain bill is not debatable, but an explanation of the bill to which the motion applies is permitted. (Point of order by Senator Cousins; ruling by Lieutenant Governor Shivers, 50th Reg., 1169.)

The motion to suspend the regular order of business is not debatable, but a limited explanation of the bill to which any such motion applies is permitted. (Point of order by Senator Phillips; ruling by Lieutenant Governor Shivers, 50th Reg., 1349.)

The author of a bill who has moved to suspend a rule so that the bill might be introduced may explain it briefly. (Ruling by Senator Morris overruling point by Senator Kelley of Hidalgo, 51st Reg., 502.)

CONSIDERATION OF HOUSE BILL IN LIEU OF SENATE BILL ON SAME SUBJECT

28. When any Senate bill shall be reached upon the Calendar, or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the Calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

Editorial Note

The purpose of this Rule is to save the time and labor of the Legislature by disposing of the most advanced legislation first. The House bill is not substituted for the Senate bill, but simply is considered instead of the Senate bill, which is displaced on the Calendar by the House bill.

It is not necessary that the bills be identical if generally they cover the same subject and are directed to the same end.

Note of Ruling

A House bill that has been reported favorably and relates to the same subject as a Senate bill that has been reached on the calendar should be considered by Senate in lieu of the Senate bill if said House bill is "of the same general tenor" (Lieutenant Governor T. W. Davidson, 38th Reg., 470).

PUNISHMENT OF MISCONDUCT

29. The Senate may punish any Member for disorderly conduct, and, with the consent of two-thirds, may expel a Member, but not a second time for the same offense. (See Constitution, Art. III, Sec. 11.)

OBSTRUCTING PROCEEDINGS OF SENATE—PUNISHMENT

30. The Senate, during its session, may imprison for forty-eight hours any person, not a Member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. (See Constitution, Art. III, Sec. 15.)

BRIBERY

31. Any Member who shall receive or offer a bribe, or who shall suffer his vote to be influenced by promise of preferment or reward, shall on conviction, be expelled. (See also Arts. 158, 161, Penal Code.)

PROCEDURE IN PASSAGE OF BILLS

32. No bill shall have the force of a law until it has been read on three several days in each House and free discussion allowed thereon, but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this Rule, the yeas and nays being taken on the question of suspension and entered upon the Journals. (Constitution, Art. III, Sec. 32.)

Editorial Note

"Four-fifths of the House in which the bill may be pending" has been interpreted repeatedly to mean four-fifths of all of the Senators present, a quorum being present.

Notes of Rulings

A bill passed to engrossment on 55th legislative day, which had commenced at 9:30 o'clock a.m. Tuesday, March 20, could be finally passed on 56th legislative day, commencing at 5:40 o'clock p.m. of the same calendar day without awaiting the arrival of another calendar day. (Ruling by Lieutenant Governor Hobby, 35th Reg., 1604.)

Only four-fifths of those present are required to suspend constitutional rule requiring bills to be read on three several days (Lieutenant Governor Witt, 42nd Reg., 253).

Two legislative days may not be commenced on the same calendar day (Senator Small, 44th, 1st Called, 56).

For ruling of Lieutenant Governor Shivers during Regular Session, 50th Legislature, relative to allowance of "free discussion" on a bill, see last paragraph on page 476.

See ruling after Rule 72 on pages 460 and 461.

ANNOUNCEMENT OF STAGE OF BILL

33. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second, or third reading.

FIRST READING AND REFERENCE OF BILLS

34. A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when submitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee. And it shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject to consider first and report upon the House bill.

Editorial Note

This rule clearly forbids tabling a bill that has not been reported from a Committee. The practice of tabling a bill not properly before the Senate for consideration is not in accordance with good parliamentary practice, since the practice deprives the sponsors of a fair opportunity of protecting the life of the bill.

Lieutenant Governor Barry Miller declined to refer a bill that had been presented for introduction at a called session, holding that it was not covered by the call of the Governor (41st, 5th Called, 9, 14). See also pages 492-493 relative to jurisdiction of special legislative sessions.

Notes of Rulings

The Senate may not grant by vote or by unanimous consent permission to a Member to introduce a bill not within Governor's call (Senator Hornsby, 43rd, 1st Called, 24).

A point of order, made and sustained at a special session, that a bill (which has been read second time) is not within the Governor's call prevents any further consideration of it at that session (Lieutenant Governor Witt, 43rd 2nd Called, 27).

A bill including provisions to outlaw other forms of betting on

horse races held within Governor's call submitting subject of outlawing pari-mutuel betting (Lieutenant Governor Woodul, 45th, 1st Called).

A motion to re-refer a bill is not in order when the Senate is considering a joint resolution which has been set for a special order. (Ruling by Lieutenant Governor Shivers, sustaining point of order by Senator Lane, 51st Reg., 754.)

A motion to re-refer a bill is in order at any time there is not another question already before the Senate for immediate consideration. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Lane, 51st Reg., 755-756.)

A bill making an appropriation for the activation of an agency to distribute surplus commodities to State hospitals and special schools and for certain other related purposes is within the call of the Governor for a special session "to make and to finance such appropriations as the Legislature may deem necessary for State hospitals and special schools. . . ." (Senator Aikin, overruling point of order by Senator Phillips, 51st 1st Called, 161.)

MOTION TO PASS BILL IS NOT NECESSARY

35. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?"

Note of Ruling

A motion to pass to third reading a bill not pending before the Senate is not in order (President pro tempore Pace, 45th Reg., 1231).

GERMANENESS

36. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate. (See Constitution, Article III, Sections 30 and 35.)

Notes of Rulings

An amendment to a tax-raising measure, which amendment has for its purpose the reduction of appropriations already made is not germane (Lieutenant Governor Woodul, 45th, 2nd Called, 184-185). (This ruling was sustained by the Senate by a vote of 15 to 14.)

An amendment to the rural aid bill that has for its purpose a change in a general law is not in order (Senator Roberts, 46th Reg., 1633).

An amendment relative to maximum gross weight of trucks is not germane to bill regulating private motor carriers (Lieutenant Governor Stevenson, 46th Reg., 1732).

An amendment to general bill to exempt one senatorial district from its provisions is not germane (Lieutenant Governor Stevenson, 46th Reg., 2142-2143).

Amendment allocating penalties and interest collected on delinquent taxes to special county fund not germane to bill remitting penalties and interest (Lieutenant Governor Stevenson, 47th Reg., 801).

An amendment must be germane to that portion of bill proposed to be amended (Lieutenant Governor Stevenson, 47th Reg., 1062).

Amendment to restrict site for building, etc., held germane to bill providing for new office building (Lieutenant Governor Stevenson, 47th Reg., 2282).

Amendment to change general law not germane to bill primary purposes of which are to allocate and to appropriate certain revenues (Lieutenant Governor Smith, 48th Reg., 420).

Amendment making appropriation for Lower Concho River Authority not germane to bill making appropriation for Pease River Flood Control District (Lieutenant Governor Smith, 48th Reg., 954).

An amendment to place a tax on fuel used in aircraft is not in order to a Senate Bill to exempt certain fuels from tax imposed by motor fuel tax law (President pro tempore Moffett, 49th Reg., 537).

An amendment deleting fuel used in aircraft from list of fuels to be exempt from motor fuel tax law is germane to bill exempting from motor fuel tax law fuels not used for road-travel purposes (President pro tempore Moffett, 49th Reg., 527).

An amendment to increase franchise tax of any corporation availing itself of bill's provisions is germane to bill to increase rights and powers of certain corporations (Lieutenant Governor Smith, 49th Reg., 751).

An amendment to require payment of all taxes due by automobile owner as prerequisite for obtaining license for car is not germane to bill to require only the payment of property taxes on car as prerequisite for license (Senator Aikin, 49th Reg., 880).

An amendment to designate State Superintendent as administra-

tive officer of Board of Vocational Education is not germane to bill making appropriations for vocational education (Lieutenant Governor Smith, 49th Reg., 883).

An amendment to limit the validity of a paving lien to 25 per cent of the value of the property against which it attaches is germane to bill providing that paving liens are superior liens (President pro tempore Moffett, 49th Reg., 936).

An amendment providing that a bill increasing district judges' salaries shall become effective only upon passage of another bill to redistrict the State into judicial districts is germane. (Ruling of Lieutenant Governor Shivers, overruling point of order by Senator York, 50th Reg., 317.)

An amendment prescribing a penalty for effecting a sale of liability insurance by misrepresentation that the law requires such insurance of all automobile drivers is not germane to a bill relating to the financial responsibility of drivers. (Point of order by Senator Morris, ruling by President pro tempore Ramsey, 50th Reg., 976.)

An amendment (which is in effect a complete substitute bill) that provides a system of civil service regulations and also a system of retirement of State employees is germane to a bill providing only for a State employees retirement system. (Ruling by President pro tempore Ramsey, overruling point of order by Senator Strauss, 50th Reg., 1006.)

An amendment to exempt one county and one Senatorial district from the provisions of a joint resolution, the original purpose of which is to increase the compensation of all members of the Legislature, is not germane. (Point of order by Senator Moffett, ruling by Lieutenant Governor Shivers, 50th Reg., 1483.)

An amendment prescribing a minimum allocation to school districts from a certain fund is not germane to a bill the purpose of which is only to create the fund. (Ruling by Senator Moffett sustaining point of order by Senator Aikin, 51st Reg., 338.)

An amendment prescribing a penalty for practitioners of healing arts receiving rebates is germane to bill prescribing minimum basic qualifications of such practitioners. (Ruling by Senator Aikin, overruling point of order by Senator Tynan, 51st Reg., 729.)

The amendment of a general appropriation bill by inserting therein additional matter creating a new medical college or branch of The University of Texas is not permissible. (Ruling by Lieutenant Governor Shivers, sustaining point of order by Senator Weinert, 51st Reg., 1126.) [Note.—Lieutenant Governor Shivers supplemented this ruling with the further statement that in his opinion it would be permissible to insert in a general appropriation bill a specific appropriation to be used by the University Board of Regents to establish another medical department or branch and to include with the appropriation so inserted detailed directions to the Board for spending the

appropriation for that purpose pursuant to the pre-existing law authorizing said Board to "establish the departments of a first-class University."]

Congressional Precedents on Germaneness

Whether or not an amendment be germane should be judged from the provisions of its text rather than from the purposes which circumstances may suggest (H. P., V, 5783, 5803). The rule that amendments should be germane applies to amendments reported by committees (H. P., V, 5806). The rule of germaneness applies to the relation between a proposed amendment and the pending bill to which offered and not to the relation between such amendment and an existing law of which the pending bill is amendatory (C. P., VIII, 2909). In determining the germaneness of amendments offered to a bill the title of the bill is not taken into consideration (C. P., VIII, 2916).

Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered (H. P., V, 5811-5820), and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered (H. P., V, 5822).

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane. (Speaker Reed, H. P., V, 5808; also ruled by Speaker Cannon, Apr. 1, 1910, 61st Cong., 1st sess., p. 4144; Speaker Clark, Dec. 5, 1912, 62nd Cong., 3rd sess.) A bill amending several sections of an act does not necessarily bring the entire act under consideration so as to permit an amendment to any portion of the act sought to be amended by the bill. (Chairman Anderson, June 10, 1921, p. 2415; and Chairman Stafford, Dec. 10, 1921, p. 200.) To a bill amendatory of existing law in one particular a proposition to amend the law in another particular is not germane (C. P., VIII, 2937). An amendment relating to the terms of the law rather than to the terms of the bill was held not to be germane (C. P., VIII, 2916).

An amendment germane to the bill as a whole, but hardly germane to any one section, may be offered at an appropriate place with notice of motions to strike out the several sections which it would supersede (H. P., V, 5823).

In determining whether or not an amendment be germane, certain principles are established:

(a) One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane: To a bill proposing the admission of one Territory into the Union, an amendment for admis-

sion of another Territory (H. P., V, 5529); to a bill for the relief of one individual, an amendment proposing similar relief for another (H. P., V, 5826-5829); to a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth (H. P., V, 5832); to a provision for a clerk for one committee, an amendment for a clerk to another committee (H. P., V, 5833); to a bill prohibiting transportation of messages relating to dealing in cotton futures, an amendment adding wheat, corn, etc. (Speaker Clark, July 16, 1912, 62nd Cong., 2nd sess., p. 9142.) To a bill prohibiting importation of goods "made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor," an amendment prohibiting importation of goods made by child labor was held not germane on the ground that labor described in bill constituted a single class of labor. (Speaker Clark, Mar. 25, 1914, p. 5481, 2nd sess., 63rd Cong.)

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject (H. P., V, 5843-5846). Thus, the following are not germane: To a bill for the admission of one Territory into the Union, an amendment providing for the admission of several other Territories (H. P., V, 5837); to a bill relating to all corporations engaged in interstate commerce, an amendment relating to all corporations (H. P., V, 5842); to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law rather than those of the bill (H. P., V, 5806-5808); to a bill merely extending and re-enacting an existing law, an amendment seeking to further amend the law (H. P., V, 5806) (contra, Chairman Burton, Oct. 18, 1921, p. 6465, and Chairman Graham of Illinois, Apr. 28, 1924, p. 7419, 68th Cong., 1st sess.); to a bill amending the war-time prohibition act in one particular, an amendment repealing that act. (Chairman Good, July 14, 1919, p. 2555.)

(c) A general subject may be amended by specific propositions of the same class. Thus, the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory (H. P., V, 5838); to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities (H. P., V, 5840); to a resolution embodying two distinct phases of international relationship, an amendment embodying a third (H. P., V, 5839). But to a resolution authorizing a class of employees in the service of the House, an amendment providing for the employment of a specified individual was held not to be germane (H. P., V, 5848, 5849).

(d) Two subjects are not necessarily germane because they are related. Thus the following have been held not to be germane: To a proposition relating to the terms of Senators, an amendment

changing the manner of their election (H. P., V, 5882); to a bill relating to commerce between the States, an amendment relating to commerce within the several States (H. P., V, 5841); to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality (H. P., V, 5897); to a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the Executive on that subject (H. P., V, 5891); to a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the Government (H. P., V, 5887); to a provision for the erection of a building for a mint, an amendment to change the coinage laws (H. P., V, 5884).

To a bill amending a general law in several particulars, an amendment providing for the repeal of the whole law was held germane (H. P., V, 5824), but the bill amending the law must so vitally affect the whole law as to bring the entire act under consideration before the Chair will hold an amendment repealing the law or amending any section of the law germane to the bill. (Speaker Gillett, June 19, 1919, see sec. 950; Chairman Madden, Apr. 2, 1924, p. 5437, 68th Cong., 1st sess.)

(e) The following are illustrations of amendments that are germane because "on a subject not different from that under consideration." To a bill providing for an interoceanic canal by one route, an amendment providing for a different route (H. P., V, 5909); to a bill providing for the reorganization of the Army, an amendment providing for the encouragement of marksmanship (H. P., V, 5910); to a proposition to create a board of inquiry, an amendment specifying when it shall report (H. P., V, 5915); to a bill relating to "oleomargarine and other imitation dairy products," an amendment on the subject of "renovated butter" (H. P., V, 5919); to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor (H. P., V, 5920).

SEVENTY-TWO AND TWENTY-FOUR HOUR RULES

37. No bill shall be considered unless it has been referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. III, Sec. 37.) And no vote shall be taken upon the passage of any bill

within the last twenty-four hours of the session unless it be to correct an error therein.

Notes of Rulings

The second sentence of this rule as well as the second sentence of the joint rule on same subject is not applicable to joint resolutions (Senator Wiley, 34th Reg., 1201).

A House bill not reported out of a House committee until after the 72nd hour before final adjournment may not be considered by Senate (Lieutenant Governor Witt, 42nd, 1st Called, 737).

The twenty-four hour Senate rule forbidding vote on passage of a bill during the last 24 hours of a session may be suspended by a two-thirds vote of the Senate, and the joint rule containing the same provision may be suspended by a majority vote of each House by concurrent resolution (Lieutenant Governor Witt, 42nd, 2nd Called, 237).

The twenty-four hour rule that prohibits a vote on a bill during the last 24 hours of a session of the Legislature makes further consideration and debate of the bill out of order when the 24th hour before final adjournment has arrived (Lieutenant Governor Woodul, 44th Reg., 1819).

PRINTING OF BILLS

38. Every general bill reported favorably shall be printed, unless the Senate, on the same day it is reported or on the next legislative day, shall order it not printed. Each local bill shall be printed, unless the committee reporting it recommends that it be not printed, in which case the committee's recommendation shall be effective as an order of the Senate that the bill be not printed. Copies of all bills printed shall be placed on the desks of Senators on the same day the printed copies are delivered by the printer. No bill except local bills and except general bills that have been ordered not printed by the Senate shall be considered by the Senate until a printed copy thereof has been on the desk of each Senator at least twenty-four hours. Motions that

bills be not printed are privileged when there is no other matter pending before the Senate.

Editorial Notes

On the very important matter of the order of considering each of the several bills reported from committees, the rules of the Senate were silent until Senate Rule 56 was amended on June 6, 1947, to provide that bills be placed on the calendars of Senate and House bills on the president's table in the order in which the committee reports on the bills are submitted by the respective chairmen from the floor. Bills are listed for consideration on third reading in the order in which they have been passed by the Senate to engrossment or to third reading.

The list of bills on the President's table, shown in the order in which they are to be considered, is mimeographed daily during a legislative session and is generally known and referred to as the daily calendar.

The rules governing the printing of bills also apply to the printing of concurrent and joint resolutions.

Notes of Rulings

Multigraphed copies of a bill are equivalent to printed copies so far as the 24-hour printing rule is concerned (Lieutenant Governor Witt, 42nd Reg., 55).

Setting a bill that has not been printed as a special order permits its consideration at the time for which it is set even though it has not been printed (Senator Rawlings, 43rd, 2nd Called, 96).

A general bill that has been ordered not printed by the Senate may be considered without printed copies of the bill being on the desks of the Senators. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Harris, 51st Reg., 472.)

ADOPTION OF AMENDMENT ON FINAL PASSAGE OF BILL

39. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the Members present.

Note of Ruling

A majority vote only is necessary to adopt an amendment to a joint resolution on its final passage (Senator Rawlings, 45th Reg., 1849). See also Rule 45.

BILL COMMITTED AT THIRD READING

40. It shall be in order at the third reading of a bill to move its reference to a committee, and should such motion prevail and the same be reported back to the Senate, the said bill shall be considered as on its second reading.

SIGNING OF BILLS AND RESOLUTIONS BY PRESIDING OFFICER

41. The Presiding Officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the Journals. (Constitution, Art. III, Sec. 38.)

HOUSE SUBSTITUTES FOR SENATE BILLS

42. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and had been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives. (As amended June 6, 1947.)

Editorial Note

The Editor has found no instance of a Senate bill being substituted in the House and then coming back to the Senate and taking the course in the Senate of a bill originating in the House.

Note of Ruling

A point of order raised by Senator Caldwell against a report of conference committee on the ground that the House amendments to

the bill (S. B. 147) constituted a complete substitute bill and should therefore take the course of a newly received House Bill in the Senate was overruled (Lieutenant Governor Johnson, 36th Reg., 1023).

RESOLUTIONS

43. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

Editorial Notes

Due to the special provision in the Constitution excepting resolutions relating to adjournment and to another special provision making it the duty of each House to adopt its own rules of procedure, concurrent resolutions relating to adjournment, and probably those adopting or suspending joint rules or relating to legislative procedure do not require the approval of the Governor.

Joint resolutions proposing amendments to the State Constitution do not require the Governor's approval.

Notes of Rulings

A concurrent resolution allocating money from the legislative contingent expense fund does not have to take the course of a bill (Lieutenant Governor Miller, 39th, 1st Called).

A Senate resolution which does not require the approval of both Houses may be adopted at a special session, although it relates to a subject not submitted by the Governor (Lieutenant Governor Miller, 41st, 3rd C. S.).

The only changes that can be made in a bill by resolution are corrections of typographical or clerical errors (Lieutenant Governor Witt, 43rd Reg., 1946).

A House concurrent resolution which has been referred to a Senate standing committee during a called session, may, under a suspension of rules, be taken up and considered and adopted although no report on it has ever been submitted by the Chairman of the committee to which it was referred. (See procedure had on H. C. R. 5, 51st, 1st Called, 114.)

INTRODUCTION AND REFERENCE OF RESOLUTIONS

44. Senate resolutions, when introduced, may, by a majority vote, be considered immediately. Concur-

rent and joint resolutions shall be referred to an appropriate committee when introduced and shall not be immediately considered unless the Senate so directs by a two-thirds vote of the Members present.

Editorial Note

A Senate or a concurrent resolution providing for a rule suspension or the carrying out of a particular procedure authorized by the rules is usually regarded as privileged and is considered when introduced without a vote being taken to consider immediately. (See also note of ruling on page 453 immediately preceding Congressional precedents shown on that page.)

Notes of Rulings

Senate resolution that reflects on member of House may not be considered by Senate (President Pro Tempore Dean, 35th, 3rd Called Session, 1002).

An appropriation cannot be made by resolution (Lieutenant Governor Woodul, 45th Reg., 570).

A resolution attempting to amend a general law is not in order (Lieutenant Governor Woodul, 45th, 1st Called, p. 101).

A Senate resolution when introduced should go to the President's table to be considered later when laid before the Senate, unless the Senate orders its immediate consideration (Lieutenant Governor Stevenson, 46th Reg., 1598).

A House concurrent resolution may not be considered before being referred to and reported from a Committee unless the Senate, by a two-thirds vote, orders its consideration without such reference and report. (Ruling by Lieutenant Governor Shivers, sustaining point of order by Senator Morris, 51st Reg., 1326.)

If a motion is made to consider a Senate resolution immediately, it must be acted on before consideration of a motion to refer or commit the resolution is in order. (Ruling by President Pro Tempore Vick, sustaining point of order by Senator Morris, 51st Reg., 1540.)

AMENDMENTS TO THE CONSTITUTION

45. All amendments proposed to the Constitution shall be subject to Rules that govern the proceedings on bills, except that they shall, in all cases, be read on three several days, and shall only be passed

by a vote of two-thirds of the Members elected to the Senate. When a proposed amendment to the Constitution may be under consideration, the votes of a majority of the Members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions short of the final question.

Editorial Note

The opinion of Attorney General Cureton, dated May 17, 1913, relative to the validity of an appropriation section in a joint resolution and to the mode and manner of amending the Constitution, holds that Section 1 of Article XVII of the Constitution provides a complete formula for proposal of constitutional amendments and that any rule or resolution attempting to limit, add to, or modify that formula is null and void.

Notes of Rulings

A joint resolution that receives a vote of two-thirds of all the members of the Senate on being read second time is not finally passed by the Senate and must take the full course of a bill (Lieutenant Governor Woodul, 44th Reg., 670).

A joint resolution receiving a vote of two-thirds of Members of Senate on passage to engrossment is finally passed without another vote being taken on it, if the Senate rule (Rule 45) requiring the reading of joint resolutions on three several days, etc., is suspended (Lieutenant Governor Stevenson, 46th Reg., 838).

FAILURE OF JOINT RESOLUTION TO BE ADOPTED AFTER THIRD READING

46. When a Joint Resolution has failed of adoption on third reading, it shall not be again considered during that session.

WRITTEN MOTIONS

47. All motions shall be reduced to writing and read by the Secretary, if desired by the Presiding Officer or any Senator present.

Note of Ruling

After the commencement of a roll call on the question of agreeing to a motion to suspend the regular order of business, a Senator may not interrupt the roll call to demand that the motion be submitted in writing and may not then insist as a matter of right that the motion be reduced to writing. (Point of order by Senator Morris; ruling by Lieutenant Governor Shivers, 50th Reg., 602.)

WITHDRAWAL OF MOTION

48. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate, but it may be withdrawn at any time before it has been amended or decided.

Note of Ruling

An amendment may be withdrawn by its author at any time before it has been voted on, even when a Senator is debating it; and its withdrawal cuts off immediately any further discussion of it. (Point of order by Senator Chadick; ruling by Lieutenant Governor Shivers, 50th Reg., 1237.)

MOTIONS TO FIX SUM OR STATE TIME

49. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

DIVISION OF QUESTION

50. Any Member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a

different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

Notes of Rulings

A motion to suspend the rule requiring resolutions to be referred to a committee and to take up a resolution for immediate consideration is susceptible of division and a severance may be called for before a vote is taken (President Pro Tempore Will M. Martin, 44th, 1st Called, 138). [Explanatory Note: Under the Senate rules in force when above ruling was made, there were two separate rules preventing the immediate consideration of a Senate resolution when introduced: the rule requiring resolutions to be referred to a committee and the rule prescribing priority of business on the President's table. Suspension of the rule requiring the resolution to go to a committee placed it on the President's table, but since there was already unfinished business on the President's table, the suspension of the rule giving unfinished business priority over resolutions had to be suspended also in order to allow the Chair to place the resolution before the Senate.]

A motion to suspend the regular order of business to take up a bill is susceptible of division when there is more than one Senate rule banning the immediate consideration of the bill, but after the motion has been made and carried by a two-thirds vote and the bill has been laid before the Senate and read second time, it is too late to call for a division of the question or to invoke the rule requiring bills to be printed before consideration. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Chadick, 50th Reg., 1056.) See also note of ruling by Senator Rawlings following Rule 38, page 440-441.

A motion that Senate Rule 13 and the regular order of business be suspended and a certain general bill be laid out is not susceptible of division if Senate Rule 13, which relates to the order of business, is the only Senate rule banning the laying out of the bill and its immediate consideration by the Senate. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Chadick, 50th Reg., 1239.)

Notes of Congressional Precedents

After the question has been put, it may not be divided, nor after the yeas and nays have been ordered (V, 6160-6162), but it may be demanded after the previous question has been ordered (V, 5468, 6149).

It is not in order to demand a division of a related subject; as, when a resolution to adopt a series of rules not made a part of the resolution was before the House, it was held not in order to demand a separate vote on each Rule (V, 6159).

In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded, or on the preamble of a bill (V, 6144-6148). When a motion is made to lay several connected propositions on the table, a division is not in order (V, 6138). On a decision of the President involving two distinct questions, there may be a division on appeal (V, 6157).

REPETITION OF MOTIONS TO POSTPONE AND COMMIT

51. A motion to postpone, or to commit, having been once decided, shall not again be entertained on the same day, at the same stage of the bill or other question before the Senate.

PETITIONS AND MEMORIALS

52. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief verbal statement of its contents may be made by the person presenting it.

Notes of Ruling

Petitions may be received even though they do not relate to a matter pending before the Legislature (President Pro Tempore E. A. Decherd, 35th, 4th Called Session).

A Member may submit an editorial in newspaper as a petition or memorial and have it read to the Senate (Lieutenant Governor Woodul, 45th 2nd Called, p. 53).

An editorial may be submitted as a petition (Lieutenant Governor Woodul, 45th 2nd Called, 53).

REASON FOR VOTE

53. Any Member shall have the privilege to have spread upon the Journal of the Senate a brief statement of his reason for any vote he may cast.

Editorial Note

A Senator's privilege of inserting his reasons for a vote is frequently exercised; and in some instances a considerable amount of matter quoted from letters, newspapers, etc., is incorporated in the reasons inserted (40th Reg., 416-418; 40th 1st Called, 42-43; 42nd 1st Called, 24; 49th Reg., 582).

REPORTS

54. All committee reports shall be in writing.

Note of Ruling

A committee report properly signed, submitted, and received is conclusive as to its contents (Senator DeBerry, 42nd, 1st Called, 718). See also notes of rulings following Rule 109, page 481.

55. (Repealed June 7, 1955.)

RECOMMENDATIONS OF COMMITTEES

56. All reports of standing committees shall be advisory only, except that a recommendation in a report that a bill which is a local bill be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a bill which is a general bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed. Bills and resolutions shall be considered on second reading and shall be listed on the daily calendars of bills

and resolutions on the President's table for second reading in the order in which the Committee reports on them are submitted to the Senate.

Rulings

A bill may not be considered by the Senate which has not been reported from a committee (Lieutenant Governor Woodul, 44th Reg., 713).

A report of a committee on a bill may be received only, and the question of its adoption is not voted on by the Senate (Lieutenant Governor Witt, 42nd, 1st Called, 748).

COMMITTEE SUBSTITUTE BILLS

57. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time.

COMMITMENT OF MOTIONS, REPORTS AND RESOLUTIONS

58. Motions in writing, reports, and all resolutions, except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

Note of Ruling

After main question on the engrossment of a joint resolution has been ordered and before the vote is taken a motion to recommit the resolution is not in order (Lieutenant Governor Smith, 49th Reg., 422).

PRECEDENCE OF MOTIONS TO REFER OR COMMIT

59. When several motions shall be made for reference of a subject to a committee, they shall have the preference in the following order:

First: To a Committee of the Whole Senate.

Second: To a Standing Committee.

Third: To a Select Committee.

RECONSIDERATION

60. After a question shall have been decided, either in the affirmative or negative, any Member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which a vote was taken shall have gone out of the possession of the Senate and have been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return same, which last motion shall be acted upon, and if determined in the negative shall be a final disposition of the motion to reconsider.

Editorial Notes

If a vote on a Senate bill is reconsidered on House bill day, the bill itself may not be considered in the Senate until the arrival of a Senate bill day.

Under Senate Rule 60, recalling is made the first requirement for further considering a bill passed by the Senate and sent to the House. Hence, a motion or resolution to recall the bill is privileged.

Notes of Rulings

Reconsideration of a vote recommitting a bill has the immediate effect of placing the bill back to its status before the motion to recommit prevailed (Lieutenant Governor Hobby, 34th Reg., 250).

Reconsideration of vote by which a bill passed to engrossment places the bill back before the Senate just as it was before the vote on its engrossment was taken (Lieutenant Governor Davidson, 37th Reg., 578).

A motion to reconsider a vote may be made on the first day after

the vote is taken on which there is a quorum of the Senate present (President Pro Tempore J. H. Bailey, 38th Reg., 619).

Vote on adoption of amendment, adopted on second reading of a bill that is later ordered engrossed, may not be reconsidered until vote on passage of bill to engrossment has been reconsidered (Lieutenant Governor Miller, 39th Reg., 388).

The motion to reconsider a vote is not debatable when the motion on which the vote was taken is not debatable (Senator Neal, 40th Reg., 415).

A motion to reconsider the vote by which the previous question has been ordered may be made by any Senator voting to order it; and in case the vote is not a "yea and nay" recorded vote, it may be made by any Senator (Senator Neal, 40th Reg., 415).

Upon reconsideration of the vote on a House bill, it automatically takes its place on the calendar of House bills on the President's table for consideration by the Senate (Lieutenant Governor Witt, 42nd Reg., 608).

The vote on an amendment to a bill, adopted before engrossment of the bill, may not be reconsidered until the vote on the passage of the bill to engrossment has first been reconsidered (Lieutenant Governor Witt, 42nd Reg., 1573).

The vote by which a motion to table is carried may not be reconsidered (Lieutenant Governor Woodul, 44th Reg., 685).

A motion to adopt a conference committee report on joint resolution is in order at any time, and without a reconsideration of a previous adverse vote on the report (Lieutenant Governor Woodul, 44th Reg.).

A motion to reconsider a vote is not debatable if at the time the vote was taken the previous question on the proposition voted on had been ordered (Lieutenant Governor Woodul, 44th, 1st Called, 219).

A motion to reconsider the vote by which a bill was passed to engrossment is not debatable if the main question had been ordered on the bill when the vote was taken (Senator Rawlings, 45th Reg., 1545; Lieutenant Governor Woodul, 45th, 1st Called, 32).

The motion to reconsider the vote on the passage of a bill must be made on the same day the bill was passed to engrossment or on the next succeeding legislative day (Lieutenant Governor Stevenson, 46th Reg., 1129).

A bill may be recalled from the House before motion is made to reconsider vote on its passage (Lieutenant Governor Stevenson, 46th Reg., 1209).

The vote by which a conference report has been adopted by the Senate may be reconsidered by the Senate and the bill recalled from the Governor although the bill has been enrolled, signed by the presiding officers of each House and presented to the Governor (Lieutenant Governor Stevenson, 46th Reg., 1487).

The motion to reconsider a vote on a bill is not in order more than one legislative day after vote is taken (Senator Shivers, 47th Reg., 1559).

Debate of motion to reconsider vote by which main question ordered is not in order (Lieutenant Governor Stevenson, 47th Reg., 2258).

A motion to reconsider a vote must be made on the same day the vote is taken or on the next legislative day (Lieutenant Governor Smith, 49th Reg., 807).

The motion to reconsider a vote may not be made by a Member who is not recorded as having voted on the prevailing side if the vote was a yea and nay recorded vote (Lieutenant Governor Smith, 49th Reg., 1019, 1214).

A motion to reconsider the vote by which a motion to table has prevailed may not be made. (Point of order by Senator Moffett; ruling by President Pro Tempore Ramsey, 50th Reg., 805.)

A vote by which a motion to suspend the regular order of business is lost may not be reconsidered. (Point of order by Senator Weinert; ruling by Lieutenant Governor Shivers, 50th Reg., 1376.)

A concurrent resolution to recall for further consideration a bill passed by the Senate is in accord with Senate Rule 60, and is privileged. (Ruling by Senator Hardeman, overruling points of order by Senators Bell and Kelley of Hidalgo, 51st 1st Called, 120.) (See also annotations following Sec. 4 of House Rule 16, this Manual, also Hinds' Precedents, V, 5669-5671.)

Congressional Precedents Relative to Reconsideration

Where the yeas and nays have not been ordered recorded in the Journal, any Member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider (V, 5611-5613, 5689); but a Member who was absent or who was paired in favor of the majority contention, and did not vote, may not make the motion (V, 5614, 5619).

While the motion to reconsider has high privilege for entry, it may not be considered while another question is before the House (V, 5673-5676). When it relates to a bill belonging to a particular class of business, consideration of the motion is in order only when that class of business is in order (V, 5677-5681).

When a motion is made to reconsider the vote on a bill which has gone to the Senate, a motion to recall the bill is privileged (V, 5669-5671).

The motion to reconsider is adopted by a majority vote, even when the vote reconsidered requires two-thirds for affirmative action (II, 1656; V, 5617, 5618).

A motion to reconsider the vote by which the previous question was ordered having been defeated once may not be made a second time (V, 5655), and the motion to reconsider cannot be applied to a vote by which the previous question was ordered after the previous question has been partially executed (V, 5653, 5654).

A motion to reconsider cannot be applied to a negative vote on adjournment, for recess, or suspension of the Rules (V, 5625, 5645, 5646).

A motion to reconsider having prevailed and the vote again taken on the proposition, another motion to reconsider is not in order unless the nature of the proposition has been changed by amendments (V, 5685-5688).

The effect of a motion to reconsider is to suspend the original proposition, or, in other words, to hold the matter in abeyance pending the further pleasure of the House. However, if a motion to reconsider the vote on the final passage of a bill is not disposed of and the bill is enrolled, properly signed by the presiding officers of the two Houses, and approved by the President, it would undoubtedly become a law (V, 5704).

When a motion to reconsider is carried, the question immediately recurs on the proposition reconsidered, and when a vote adopting an amendment is reconsidered the amendment simply becomes the pending amendment (V, 5703, 5704).

Although a bill may have gone to the other House or to the President, the motion to reconsider may be made within the time prescribed by the rules (V, 5666-5668, 5672).

SPREADING MOTION TO RECONSIDER ON JOURNAL

61. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any Senator who is permitted by Rule 60 to make it; and the maker of the motion may accompany it with a request that it be spread on the Journal to be called up and acted on at a later time, which request shall be granted unless another Senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the Journal is not called up to be acted on by the Sen-

ate within five Legislative days after it has been made, it shall not thereafter be called up or acted upon; and any such motion that has been made during the last six days of the session that has not been called up before the final twenty-four hours of the session shall not thereafter be called up or acted upon by the Senate. In all cases, a motion to reconsider shall be decided by a majority of the vote.

READING OF PAPERS

62. When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a majority vote of the Senate, and without debate.

Notes of Ruling

The Senate may determine whether a Senator who is explaining a bill prior to a vote on a motion to permit its introduction may read the bill in full (Senator Morris, 51st Reg., 502).

Although the Senate on a previous occasion has ordered the full reading of a certain bill dispensed with, a full reading may be called for when the bill is again before the Senate for consideration and may be dispensed with only on order of the Senate. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Morris, 51st Reg., 503.)

A Senator addressing the Senate on the question of whether or not the Senate shall concur in the House amendments to a bill may read in full a legal opinion relating to the subject matter of the amendments unless the Senate orders its reading discontinued. (Ruling of President Pro Tempore Vick relative point of order and objection raised by Senator Morris, 51st Reg., 603-604.)

A second reading of an amendment in full may be dispensed with by order of the Senate (President Pro Tempore Vick, 51st Reg., 625, 628).

A call for another full reading of an amendment may not be enforced if the Senate has previously ordered a second full reading discontinued. (Ruling of Senator Harris, sustaining point of order by Senator Kelley of Hidalgo, 51st Reg., 629.)

MODE OF STATING AND VOTING UPON QUESTIONS

63. All questions shall be distinctly put by the President and the Members shall signify their assent or dissent by answering "yea" or "nay."

Note of Ruling

After a roll call has been ordered and before the calling of the roll has commenced, it is not in order for a Member to address the Senate (Lieutenant Governor Woodul, 44th, 2nd Called, 83).

LIEUTENANT GOVERNOR TO GIVE CASTING VOTE

64. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (See Constitution, Art. IV, Sec. 616.)

Editorial Note

A vote on a motion to refer a resolution was yeas 15, nays 15. Lieutenant Governor Davidson voted "nay" and declared the motion lost. A second vote was taken on a motion to refer to another committee and resulted in a tie. Lieutenant Governor A. B. Davidson voted "nay" and declared the motion lost (32nd Reg., 39).

65. The President of the Senate for the time being shall not, by virtue of his office, be entitled to give the casting vote in any case.

Editorial Note

The President pro tempore, of course, being a Member of the Senate, may vote on all questions, whether he is in the Chair or not.

EFFECT OF TIE VOTE WHEN LIEUTENANT GOVERNOR ABSENT

66. If the Senate is equally divided on any questions when the Lieutenant Governor is not present, such question or motion shall be lost.

CALL FOR YEAS AND NAYS BY PRESIDING OFFICER

67. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all questions requiring a vote of two-thirds, except a motion to suspend the Rules, the presiding officer shall call for the yeas and nays, and they shall be entered in the Journal.

CALL FOR YEAS AND NAYS BY THREE MEMBERS

68. At the desire of any three Members present, the yeas and nays shall be entered on the Journal, and the names of the Members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such Members shall be counted in determining the presence of a quorum. (See Constitution, Art. III, Sec. 12.)

Editorial Note

Verification of a yea and nay vote is not provided for by any rule, but when a vote is close, it has been the practice for the presiding officer to order a verification when requested by any Member to do so.

The right of a Member present to "pair" with one absent is not specifically provided for by a Senate rule but "pairing" is a long established practice the propriety of which is not questioned.

MEMBERS REFUSING TO ANSWER RECORDED PRESENT

69. Upon a roll call of the Senate, should any Member who is in the Senate Chamber fail or refuse to answer when his name is called, the Secretary of the Senate shall, under the direction of the President of the Senate, record such Member as present.

MATTERS REQUIRING VOTE OF TWO-THIRDS OF ALL MEMBERS

70. (a) A vote of two-thirds of all Members elected to the Senate shall be required:

(1) For the final passage of amendments to the Constitution. (See Constitution, Article XVII, Section 1.)

(2) In cases of great public calamity to release the payment of taxes. (See Constitution, Article VIII, Section 10.)

Note of Ruling

A vote of two-thirds of the Members is not required for passage of bill to create flood control district and donate portion of taxes collected therein to the district (President Pro Tempore Mauritz, 48th Reg., 1053).

(3) For the final passage of bills to reduce a county to a less area than nine hundred square miles. (See Constitution, Article IX, Section 1.)

(4) For the passage of an address to the Governor for the removal of any civil officer. (See Constitution, Article XV, Section 8.)

(5) To expel a Member. (See Constitution, Article III, Section 11.)

VETOED BILLS

(b) A vote of two-thirds of all Members elected to the Senate shall be required for the passage of House Bills that have been returned by the Governor with his objections, and a vote of two-thirds of the Members of the Senate present shall be required for the passage of Senate Bills that have

been returned by the Governor with his objections. (See Constitution, Article IV, Section 14.)

Note of Ruling

A bill to amend a bill already passed and awaiting the Governor's approval may not be considered (Senator Rawlings, 43rd Reg., 1658).

A specific case in which the vote of yeas and nays did not pass the bill over the Governor's veto is found on page 2748 of the Senate Journal, Regular Session, 47th Legislature.

MATTERS REQUIRING VOTE OF TWO-THIRDS OF MEMBERS PRESENT

71. (a) A vote of two-thirds of all Members present shall be required:

(1) For the impeachment of any officer. (See Constitution, Article XV, Section 3.)

(2) To excuse absentees.

(3) To adopt an amendment at third reading of a bill or a joint resolution.

(4) To postpone or change the order of business.

(5) To suspend, rescind or amend any rule of the Senate.

Historical Note

The following rule was adopted by the Senate in 1911 (S. J. 790): "Rule 61a. It shall only require a majority vote of all Senators present to suspend pending business for the purpose of taking up and considering Senate Bill No. 1 and House Bill No. 226, any other rule or order to the contrary notwithstanding."

Rule 63 as adopted at the regular session in 1911 read as follows: "Any rule or order of the Senate may be rescinded by a majority vote of all members elected. . . ."

The following rule of the preceding legislature was eliminated from the 1911 Senate rules: "No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor."

The following is the text of the old rule on rescinding, which was adopted by the Senate of the 34th Legislature:

"(64) Any rule, order or act of the Senate may be rescinded or changed by a two-thirds vote of all Members present, except where otherwise provided by the Constitution or the laws." (34th Reg., p. 977.)

The rule was later amended to require two-thirds of all Members to rescind or change a rule, and in 1939 the item (5) above was inserted in lieu of the old Rule 64.

Note of Ruling

Pending consideration of a conference report, a motion to suspend its consideration and take up a Senate bill for immediate consideration is in order. The motion is divisible, since it involves the suspension of Rule 26 and also of Rule 13. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Harris and complying with his request for a division of the question, 51st Reg., 1555.)

[Note.—This ruling and other late Senate precedents relative to suspending a pending question for the purpose of taking up another indicate that it has become the prevailing opinion of the Senate's presiding officers and its Members that any pending debatable question, even a highly privileged one or one with high priority for consideration, may be suspended by a two-thirds vote of the Senate for the purpose of taking up another matter on the President's table for immediate consideration. Suspending a question that has itself been taken up under a suspension would most likely not be permitted.]

(b) A vote of two-thirds of the Members present shall be required for the confirmation of any appointee of the Governor, unless otherwise directed by law. (See Constitution, Article IV, Section 12.)

SUSPENSION OF THREE-DAY RULE

72. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days. (See Constitution, Art. III, Sec. 32.)

Editorial Note

"Four-fifths of the Senate" means four-fifths of the Members present, provided a quorum is present.

Note of Ruling

A motion to suspend the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days may be made although the same motion has been made and defeated on the same bill on the same legislative day. (Ruling by Senator Hardeman, 55th Reg., 1561.)

DEFEATED BILL OR RESOLUTION

73. After a bill or resolution has been considered and defeated by either Branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. (See Constitution, Art. III, Sec. 34.)

Editorial Note

For an exhaustive ruling by Lieutenant Governor Stevenson on the effect on other bills on the same subject of the defeat of one bill on that subject, see the Senate Journal of the Regular Session of the 46th Legislature (1939), pages 666-671.

Notes of Rulings

Defeat of an amendment containing same substance as a bill does not prevent consideration of the bill (Lieutenant Governor Hobby, 35th Reg., 915).

A joint resolution containing same substance as one that fails to pass in the House may be considered and passed by Senate (Lieutenant Governor Hobby, 35th Reg., 1140-1148).

Defeat of a House bill in the House does not necessarily make an amendment having the same effect as the bill out of order in the Senate (Senator Hardin, 42nd Reg., 1565).

A bill substantially the same as one held unconstitutional by Supreme Court may not be considered in Senate (Lieutenant Governor Woodul, 44th Reg., 953).

A joint resolution proposing an amendment to the Constitution may be considered and adopted or passed by the Senate although a resolution containing the same substance has been defeated by the House during the current regular session of the Legislature (Lieutenant Governor Woodul, 45th Reg., 1801, 1850).

Consideration of a bill to create a textbook committee is not in order after the House has defeated a bill containing same substance (Lieutenant Governor Smith, 48th Reg., 873).

ELECTIONS

74. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate. (See Constitution, Art. III, Sec. 41.)

75. A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

COMMITTEES

76. All committees shall be appointed by the President, unless otherwise directed by the Senate.

LIST OF STANDING COMMITTEES

77. The following standing committees shall be appointed:

- (1) A Committee on Agriculture and Live-stock.
- (2) A Committee on Banking.
- (3) A Committee on Claims.
- (4) A Committee on Constitutional Amendments.
- (5) A Committee on Contingent Expenses.
- (6) A Committee on Counties, Cities and Towns.
- (7) A Committee on Education.
- (8) A Committee on Finance.
- (9) A Committee on Game and Fish.
- (10) A Committee on Insurance.
- (11) A Committee on Interstate Cooperation.
- (12) A Committee on Jurisprudence.

- (13) A Committee on Labor and Management Relations.
- (14) A Committee on Legislative, Congressional and Judicial Districts.
- (15) A Committee on Military and Veterans Affairs.
- (16) A Committee on Nominations.
- (17) A Committee on Oil and Gas.
- (18) A Committee on Privileges and Elections.
- (19) A Committee on Public Health.
- (20) A Committee on Rules.
- (21) A Committee on State Affairs.
- (22) A Committee on State Departments and Institutions.
- (23) A Committee on Transportation.
- (24) A Committee on Water and Conservation.

Each of said committees shall consist of such members as the Lieutenant Governor shall appoint.

CONFERENCE COMMITTEES

78. All Conference committees of the Senate shall be selected and appointed by the Lieutenant Governor or the President Pro Tempore when the latter shall be presiding.

Editorial Note

This rule as now written was adopted January 20, 1921. (See S. J. 37th Reg., 136.)

Notes of Rulings

It is out of order to instruct a conference committee after it has been appointed, and also out of order to amend a conference committee report by resolution (Lieutenant Governor Witt, 43rd Reg., 1720).

The Senate conferees may be instructed immediately after their appointment and before the House has been notified of the appointment of conferees without instructions (Lieutenant Governor Witt, 43rd Reg.).

See also annotations relating to conferences on pages 487-490.

ADDITIONS TO COMMITTEES

79. The Senate may, by resolution, add members to any committee, standing or special, but when such additions are made, no further change in standing committees shall be made, except by and with the consent of a two-thirds majority of all the Senators present.

80. The present committees appointed by the Lieutenant Governor and added to by the Senate are declared to be the committees of the present Senate.

COMMITTEE OF THE WHOLE

81. It shall be in order for the Senate at any time after bills and resolutions have been called to resolve itself into Committee of the Whole.

Editorial Note

A motion to resolve the Senate into a Committee of the Whole immediately requires only a majority vote, inasmuch as it is equivalent to a motion to recess (Lieutenant Governor Witt, 43rd Reg., 1559).

CHAIRMAN OF COMMITTEE OF THE WHOLE

82. In forming a Committee of the Whole Senate, the President shall leave the Chair, and shall appoint a chairman to preside in committee.

RIGHT OF LIEUTENANT GOVERNOR TO SPEAK AND VOTE
IN COMMITTEE OF THE WHOLE

83. When in Committee of the Whole, the Lieutenant Governor shall have the right to debate and vote on all questions. (See Constitution, Art. IV, Sec. 16.)

PROCEDURE IN COMMITTEE OF THE WHOLE

84. The Rules of the Senate, as far as applicable, shall be observed in Committee of the Whole.

Editorial Note

No journal is kept by the Journal Clerk of the proceedings of the Senate when in Committee of the Whole.

85. Upon bills being committed to a Committee of the Whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary, on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

NOMINATIONS BY THE GOVERNOR

86. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously direct otherwise.

Notes of Rulings

No action can be taken on nominations on same day submitted except by suspending rule requiring nominations to be considered on a "future day" (Lieutenant Governor Witt, 43rd Reg., 199).

A motion that the Senate hold an executive session the same day the motion is made is not in order, since Rule 86 provides that a future day shall be set for the consideration of Governor's nominations (Lieutenant Governor Smith, 48th Reg., 139).

EXECUTIVE SESSION

87. Nominations shall be acted on in executive session only.

Notes of Rulings

A motion to reconsider vote on confirmation is out of order in open session (43rd Reg., 201).

Governor's request to withdraw nominations comes properly before Senate for consideration in open session (President Pro Tempore Woodul, 43rd Reg., 111).

88. All nominations approved or definitely acted on by the Senate, shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

Editorial Notes

The Senate of the 43rd Legislature in open session, on a motion made by Senator Woodruff, granted the request of Governor Ferguson to withdraw certain nominations that had been submitted by outgoing Governor Sterling, but not yet acted on by the Senate (43rd Reg., 108).

The Governor may re-submit a nomination of a particular person to a particular office after the Senate has failed to confirm the appointment of that person to that office. For briefs on this point and full text of the ruling of Lieutenant Governor Witt thereon, see Senate Journal, Regular Session, 43rd Legislature, page 373.

SECRECY OF EXECUTIVE SESSION

89. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all

persons except Secretaries, Doorkeeper and Assistant Doorkeeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate. (See also Rule 96.)

90. When a nomination is considered in executive session, all information and remarks touching the character or qualifications of the nominee shall be kept secret.

VIOLATION OF SECRECY

91. Any officer or Member convicted of violating any provisions of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate, and, if a Member, to expulsion.

MESSAGES TO THE HOUSE

92. Messages, bills, resolutions and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

RECEPTION OF HOUSE MESSAGES

93. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

JOURNALS OF THE SENATE

94. The proceedings of the Senate, when not in Committee of the Whole or in executive session, shall

be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of the bill and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate; and a brief statement of the contents of each memorial, petition, or paper presented to the Senate, shall also be inserted in the Journal. Resolutions of a congratulatory nature, and resolutions recognizing visitors to the Senate shall not be numbered or printed in the Journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings. Originals of congratulatory recognition and memorial resolutions shall be limited to five (5) in number.

Notes of Rulings

The Senate can take cognizance of an action by House only if officially notified of such action (35th Leg., 2nd Called, 61).

The President of the Senate and the Senate may refuse to abide by an erroneous entry in the Journal and an erroneous endorsement on a bill and may proceed as though no such entry or endorsement had been made (Lieutenant Governor Lynch Davidson, 37th Reg., 638).

It is not out of order for a Member to request that the Journal show the subjects as well as the numbers of certain bills the recommitment of which has been moved. (Ruling of Senator Lock, overruling point of order by Senator Harris, 51st Reg., 562.)

RETURN OF VETOED SENATE BILLS

95. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the Journal. (See Constitution, Art. IV, Sec. 14.)

Note of Ruling

Consideration of a motion to override the Governor's veto of a particular bill may be postponed (Lieutenant Governor Woodul, 45th Reg., 1484).

REPORT TO GOVERNOR OF FINAL RESULT OF EXECUTIVE SESSION

96. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book, but the final result of such session shall be placed upon the Journal of the Senate, and the Secretary shall report the same to the Governor.

ADJOURNMENT

97. A motion to adjourn or recess shall always be in order, and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question.

Editorial Note

The motion to recess or adjourn is not debatable, and the maker of either motion may not hold the floor to the exclusion of other Senators who might want to move to adjourn or recess to a different hour. After a series of such motions has been made, the motions must be voted on immediately.

Notes of Rulings

The Legislature may repeal or set aside a resolution setting a date for sine die adjournment (Lieutenant Governor Witt, 42nd Reg., 1656).

A resolution setting a new time for sine die adjournment is in order and requires only a majority vote to adopt it (Lieutenant Governor Witt, 42nd, 2nd Called Session).

A motion to adjourn until a specified hour is in order although no business has been transacted since motion to adjourn to an earlier hour was defeated (Lieutenant Governor Smith, 48th Reg., 662).

A motion to adjourn may not be made immediately after the defeat

of a series of motions to adjourn and recess. (Ruling by Senator Strauss, sustaining point of order by Senator Morris, 51st Reg., 577.)

ADJOURNMENT OF SENATE FOR MORE THAN THREE DAYS

98. The Senate shall not adjourn or recess for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (See Constitution, Art. III, Sec. 17.)

Notes of Rulings

A concurrent resolution containing a provision that "no date for adjournment be fixed until the appropriation bills have been passed and all important measures upon the calendar have been disposed of" was held out of order by Lieutenant Governor Lynch Davidson, because it sought "to deny the Legislature its constitutional right to adjourn at any time it desires" (37th Reg., 392).

The Legislature may repeal or set aside a resolution setting a future date and hour for sine die adjournment, and a resolution setting a new time for sine die adjournment is in order, and only a majority vote is required to adopt it (Lieutenant Governor Witt, 42nd Reg., 1656, 1682).

An adjournment from Thursday to Monday is not for more than three days, and consent of the House to such an adjournment by the Senate is not needed (Lieutenant Governor Smith, 49th Reg., 640).

ADMITTANCE TO SENATE CHAMBER; RESTRICTIONS ON DRESS AND BEHAVIOR

99. Persons hereinafter named, and no other, shall be admitted to the Senate Chamber while the Senate is in session, viz.:

(1) Members of the Senate and their families, Secretary of the Senate and his family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor, his family and his private secretary, the Lieutenant

Governor and his family, the President and Vice-President of the United States, United States Senators and Members of Congress, Governors of other states, judges of the Supreme Court, the Courts of Criminal and Civil Appeals, duly accredited newspaper reporters and correspondents and radio commentators who have complied with Sections (2) and (3) of this rule. It shall be the special duty of the President to see that officers and employees remain upon the floor of the Senate only when actually engaged in the performance of their official duties. Such persons other than the Lieutenant Governor and Members of the Senate shall not be permitted to work for or against any proposition before the Senate while on the floor.

PERSONS LOBBYING NOT ADMITTED

No newspaper reporter, or other person whomsoever, whether a state officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the Senate or in the rooms leading thereto, except the Senate reception room, when the Senate is in session.

PRESS CORRESPONDENTS

(2) While the Senate is in session, no person shall be admitted to the floor of the Senate or allowed its privileges, as a press correspondent or radio commentator, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, or press association serving newspapers, or publications

requiring telegraphic coverage, or unless said person is a regularly employed, salaried employee of a duly licensed radio station.

· FORFEITURE OF ADMITTANCE PRIVILEGE

If any person, admitted to the Senate under this rule, shall lobby or work for or against any pending or prospective legislation or shall violate any of the other rules of the Senate, the privileges extended to said person under this rule shall be suspended by a majority of the Committee on Rules. The action of the committee shall be reviewable by the Senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report, and shall be subject to the same rules that are applicable to minority reports on bills.

(3) Every newspaper reporter and correspondent, and radio commentator, before being admitted to the Senate during its session, shall file with the Committee on Rules a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers or radio station which he represents.

· SUSPENSION OF ADMITTANCE RULE

(4) It shall be in order for the President to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any Member for unanimous consent.

(5) It shall be the duty of the Sergeant-at-Arms

and his assistants to clear the hall of all persons not entitled to the privilege thereof thirty minutes before the hour of the meeting of the Senate.

EXCEPTIONS

(6) Provided that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee, nor to the Governor while delivering an official message; provided further that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the Senate by the President.

(7) Provided further that the privileges of the floor shall not be extended to any person or persons except Members of the Senate, and the Governor, desiring to make an address before the Senate on pending or contemplated legislation.

(8) Solicitors and collectors shall not be admitted to the Senate during its sessions.

Editorial Notes

Article 183 of the Revised Penal Code, 1925, provides: "No person employed in any manner to represent the interest in legislation of any person, association or corporation shall go upon the floor of either House of the Legislature, reserved for members thereof, while in session, except upon invitation of such House. Any person violating the provisions of this article shall be fined not to exceed one hundred dollars."

The rule relating to admission to the floor of the Senate, as written prior to 1939, provided that the rule could not be suspended.

Note of Ruling

The rule relative to admittance to the Senate Chamber, when invoked, cannot be suspended by the Senate (Lieutenant Governor Witt, 42nd, 1st Called, 644). [Explanatory Note: When this ruling was made, part (4) of the rule specifically prohibited the Chair's entertaining a request for the suspension of the rule.]

NO EATING OR DRINKING IN SENATE CHAMBER

99a. No employee, Senator, Representative or other person shall be allowed to eat or drink in the Senate Chamber proper at any time. The Sergeant-at-Arms and other custodians will strictly enforce this rule.

PERSONS MUST BE PROPERLY ATTIRED IN SENATE CHAMBER

99b. While the Senate is actually in session, no male Senator or Representative or any other male person shall come on the floor of the Senate without wearing a coat and tie. The Sergeant-at-Arms and doorkeepers are instructed to strictly enforce this rule, and only the President of the Senate may suspend the rule as to any person or to all persons, and that action to be taken in writing to the Sergeant-at-Arms.

WHEN SENATE RULES ARE SILENT

100. The President of the Senate shall decide all questions not provided for by the standing Rules of Order of the Senate, and Joint Rules of Order of both Branches of the Legislature, according to parliamentary practice, laid down by approved authors subject to appeal to the entire Senate, as in other cases.

Editorial Note

The rulings of the presiding officers of the Senate as shown in the Texas Legislative Manual, the practice in Congress as shown in Hinds' Precedents and in Cannon's Precedents, the practice in the Texas House of Representatives as shown in the Legislative Manual, and the rules and precedents as set forth in Jefferson's Manual, Cleaves' Manual and the Manual of the United States Senate have been resorted to by the presiding officers of the Senate for guidance in deciding questions of order.

PREVIOUS QUESTION

101. Pending the consideration of any question before the Senate any Senator may call for the previous question, and if seconded by five Senators, the Presiding Officer shall submit the question: "Shall the main question be now put?" And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote—first upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion.

Editorial Note

After the previous question has been ordered, no motions are in order until the question or questions on which it is ordered have been voted upon, except the motions to adjourn, for a call of the Senate and to reconsider the vote by which the previous question was ordered, and the motion to reconsider can be made only once.

It has also been held that a motion may be withdrawn after the previous question has been ordered on it. (See Senate Journal, 46th Legislature, Regular Session, pages 2112-2113; Senate Journal, 50th Legislature, page 1237.)

Notes of Rulings

The previous question may not be ordered on final passage of bill

prior to its being placed on third reading (Senator Gibson, 34th Reg., 1063).

By unanimous consent, debate on an amendment may be had after the previous question on its adoption has been ordered (Senator Latimore, 34th Reg.).

Ordering of the previous question does not violate the "free discussion" section of the Constitution (Lieutenant Governor T. W. Davidson, 38th Reg.).

If a Member who has the floor is interrupted by a Senator who moves the previous question on the pending matters before the Senate, the Member who has the floor may proceed until he has concluded. The vote will then be taken on the motion for the previous question; and if the main question is ordered, all further debate is out of order (Lieutenant Governor T. W. Davidson, 38th Reg., 1169).

A motion for the previous question may be made and seconded while a Member of the Senate has the floor, but a vote on ordering the main question is not taken until the Member having the floor has yielded it (Lieutenant Governor Miller, 40th Reg., 415).

When the main question has been ordered but not voted on, a Member is not entitled to speak on a question of personal privilege (Lieutenant Governor Witt, 42nd Reg., 1203; 42nd, 1st Called, 675).

The previous question may not be moved to include the votes to be taken on a bill or on any subsidiary motions applied to it at a more advanced stage (Lieutenant Governor Witt, 42nd, 1st Called Session, 675).

It is not in order to speak to a question of personal privilege after the previous question has been ordered (President pro tempore Woodul, 43rd Reg., 691).

A motion may be made (even by a Senator not voting on the prevailing side) to rescind the "action and vote of the Senate" in ordering the previous question (Lieutenant Governor Woodul, 45th Reg., 432). [A vote of two-thirds of all members present is required to suspend, rescind or amend any rule of the Senate.]

The vote by which the main question is ordered on series of questions may be reconsidered after vote has been taken on one or more of the questions (Lieutenant Governor Woodul, 45th, 2nd Called, 82).

The previous question may not be moved to include the votes to which there has been no debate notwithstanding Section 32 of Article III of Constitution (Lieutenant Governor Woodul, 45th Reg., 597, 622).

The motion for the previous question on a bill may be made and voted on after the previous question has been ordered on a proposed amendment to the bill and before a vote has been taken on the amendment (Lieutenant Governor Stevenson, 46th Reg., 2041).

A motion for previous question is not in order immediately after

defeat of same motion (President pro tempore Cotten, 47th Reg., 1743).

The constitutional rule (Section 32 of Article III) calling for "free discussion" on a bill does not prevent the making of a motion for the previous question on the passage of a bill or prevent the Senate's ordering the main question on the bill as provided for in its own rule relating to the previous question. The Senate determines by its vote on the motion for the previous question whether or not the constitutional rule has been complied with. (Ruling by Lieutenant Governor Shivers, overruling point of order by Senator Aikin, 50th Reg., 1174.)

Notes of Congressional Precedents

The motion may not include a provision that it shall take effect at a certain time (V, 5457). It may not be moved on more than one bill, except by the unanimous consent of the House (V, 5461-5464). It is often ordered on undebatable propositions to prevent amendment (V, 5473, 5490), but may not be moved on a motion that is both undebatable and unamendable; for example, the motion to table (IV, 3077). It applies to questions of privilege as to other questions (II, 1256; V, 5459, 5460).

The motion to lay on the table may not be applied to the previous question (V, 5410, 5411); nor may it be applied to the main question after the previous question has been ordered (V, 5415-5422), or after the yeas and nays have been ordered on the demand for the previous question (V, 5408, 5409).

The motion to postpone may not be applied to the main question after the previous question had been ordered (V, 5320, 5321).

DEMAND FOR IMMEDIATE RULING

102. Pending the consideration or discussion of any point of order before the presiding officer and the Senate, or either, any Senator may demand that the point of order be immediately decided, and if seconded by ten Senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote is in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from his decision is taken, the appeal shall be immediately decided by the Senate without debate.

Editorial Note

The president of the Senate is required by the rules of the Senate to decide questions of order, but he is not required to rule on the constitutionality of the substance or content of any proposed law, resolution, or amendment. He usually decides questions as to the constitutionality of a certain procedure or as to the Senate's constitutional jurisdiction, but he usually submits to the Senate for its decision questions as to the constitutionality of the substances or content of any proposal. See also Rules 5 and 23 and notes following them.

RECORD OF COMMITTEE ATTENDANCE

103. At all regular or stated meetings of the Senate Committees, the Chairman shall call the roll of the Members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees.

BULLETIN BOARD

104. A bulletin board shall be prepared and placed in the hallway immediately to the rear of the Senate Chamber, upon which shall be posted the time for meetings of standing committees. Immediately after the time and place of any committee hearing have been fixed, this information shall be given to the Secretary of the Senate, who shall cause the same to be posted forthwith on said bulletin board.

MINUTES OF COMMITTEE MEETINGS

105. The Chairman of each committee shall keep, or cause to be kept under his direction, an accurate record of the proceedings of his committee, and the same shall be open for inspection to any Member of the Legislature, and to the public.

Note of Ruling

A report on a bill that was considered at a committee meeting at which a quorum of the committee was not present (as shown by the minutes of the committee) may not be received by the Senate (Senator Jesse E. Martin, 46th Reg., 1548).

(See also note of ruling following Rule 54, page 449.)

COMMITTEE HEARINGS

106. Hearings on bills before any committee shall be open to the public and reasonable opportunity shall be afforded to interested parties to appear before the committee. The committee by a majority vote shall have the right to fix the order of appearance and the time to be allotted to any such interested party. Any Member of the Senate, by making timely written request therefor upon the chairman of the committee (or vice-chairman in the absence of the chairman), shall be entitled to receive at least forty-eight hours advance notice in writing of the time and place of the hearing on any bill or bills specified in the demand, but the time and place of hearing on any bill having been fixed in response to said request, the chairman shall not be required to change or delay said hearing upon subsequent request from other Members of the Senate. After the receipt of such notice by the chairman of the committee (or vice-chairman in the absence of the chairman), no hearing shall be held by the committee or action taken on such bill or bills unless such notice has been previously given as required herein.

Notes of Rulings

A motion to suspend Senate Rule 106 for the purpose of permitting a hearing on a bill without giving a 48-hour notice to a Member who has requested it is not debatable (Lieutenant Governor Stevenson, 46th Reg., 1509).

The committee's action on a bill at a meeting held without proper 48-hour notice to Member who has properly requested it is in violation of Senate Rule 106 [and void] (Lieutenant Governor Smith, 49th Reg., 347, 358-359). (Ruling sustained by vote of 13 to 12.)

Re-reference of bill from one committee to another does not vitiate a written request of a Member to the chairman of the first committee for a public hearing on the bill and a 48-hour notice of the hearing, and the request goes with the bill to the chairman of the committee to which the bill is re-referred and is binding on him (Lieutenant Governor Smith, 49th Reg., 347, 358-359). (Ruling sustained by vote of 13 to 12.)

The President of the Senate ascertains the facts concerning the giving of notice of a committee hearing on a bill, and his ruling as to the sufficiency of the notice based on the facts as ascertained by him is a final determination of that point when no appeal from the ruling is made. (Point of order by Senator Chadick; ruling by Lieutenant Governor Shivers, 50th Reg., 1169.) [Explanatory Note: Lieutenant Governor Shivers held sufficient a notice of a hearing at 2:00 o'clock p.m., duly given, after ascertaining (1) that the hearing was held at 4:00 o'clock p.m., instead of 2:00 o'clock p.m. on account of the Senate's being in session at 2:00 o'clock and (2) that the hearing was attended by the Senator requesting the notice.]

EXECUTIVE SESSION OF COMMITTEE

107. After public hearing has been concluded on any bill, the committee by a majority vote may direct without debate that action by the committee on such bill be taken in executive session, provided, however, that a record of such proceedings had in such executive session shall be kept and that the same shall be open for public inspection.

QUORUM OF COMMITTEE

108. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the Members present may order the names

of the unexcused absentees turned over to the Sergeant-at-Arms of the Senate whose duty it shall be to secure promptly the attendance of such absent Members. The Sergeant-at-Arms shall have the same authority conferred upon him under the Rules of the Senate as when the Senate is operating under a call.

FILING REPORTS OF COMMITTEES

109. The chairman of the committee (or vice-chairman in the absence of the chairman) shall file with the Senate a written report showing the action of such committee on bills and resolutions pending before it. Such reports shall be signed officially by the chairman (or vice-chairman in the absence of the chairman).

Editorial Note

This rule indicates that reports may be filed with the Senate at any time by the chairmen of the several standing committees. However, it is the practice in the Senate to submit reports from the floor during the "morning call."

Notes of Ruling

The Chair may not go behind a committee report to ascertain if proceedings in the committee were regular (Lieutenant Governor Witt, 42nd Reg., 1564, 1698).

See also note of ruling of Senator DeBerry following Rule 54, page 449.

Point of order as to validity of committee's action on bill may be made when bill is not before Senate for immediate consideration (Lieutenant Governor Smith, 49th Reg., 347).

MINORITY COMMITTEE REPORTS

110. If a motion to report a bill or resolution favorably does not receive a majority vote, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a

majority vote, the same shall be dead. When a bill or resolution has been killed by a committee, a favorable minority report may be made, provided notice thereof is given by two members of the committee, if the committee is composed of ten or less and three members if composed of more than ten, present at the time the bill is killed and who voted on the minority side; this report must be in writing, and signed by the members giving notice, and must be filed with the Senate within two calendar days from the time such action was taken by the committee (Sundays and days the Senate is not in session excepted.) Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the Senate to have the same substituted for the majority report within ten calendar days (Sundays and days the Senate is not in session excepted) from the time said minority report was filed with the Senate, said bill or resolution shall be dead, and shall not be again considered during the session. It shall take the affirmative vote of a majority of the Members of the Senate present, but in no event less than fifteen affirmative votes to substitute a minority report for the majority report, provided that any motion to substitute the minority for the majority report shall be privileged.

Note of Ruling

Bills reported adversely but with a favorable minority report are not to be printed except on an order of the Senate (Lieutenant Governor T. W. Davidson, 38th Reg., 646).

A favorable minority report must be filed if a bill reported unfavorably by a majority of a committee is to receive the consideration of the Senate (Lieutenant Governor Witt, 43rd Reg.).

COURSE OF COMMITTEE SUBSTITUTE BILLS

111. If a committee substitute is adopted by the committee for the pending bill or resolution, and such substitute receives a favorable report, the same shall be reported back to the Senate in lieu of the original bill or resolution. The original bill or resolution, for which the substitute was adopted, shall be dead unless reported to the Senate and handled under the same procedure as herein provided for minority reports. The substitute, when reported back to the Senate, shall take the same procedure as an original bill or resolution, and no action shall be required on the part of the Senate to confirm the substitution made by the committee.

CUSTODIAN OF BILLS AND RESOLUTIONS

112. The Calendar Clerk shall be the official custodian of the bills and resolutions pending in the Senate, and the same may not be withdrawn from the custody of such Clerk without the consent of the Senate.

**RULES ADOPTED PURSUANT TO SECTION 5,
ARTICLE III OF STATE CONSTITUTION**

The following rules Numbers 113 to 117, inclusive, are adopted by the Senate in lieu of the procedure set forth in Section 5, Article III, of the Texas Constitution.

**PERIODS FOR INTRODUCTION AND CONSIDERATION
OF BILLS**

113. It shall be in order to introduce bills during

the first sixty calendar days of the session, and to have the same referred to a proper committee; provided, however, that at any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 115) may be introduced, referred to a committee, and disposed of under the General Rules of the Senate. The Senate may act upon the confirmation of appointments (recess or otherwise) at any time during the session.

SUSPENSION OF TIME LIMIT RULE

114. Except as otherwise provided in Rule 113, no bills shall be introduced after the first sixty calendar days of the session; provided, however, this rule may be suspended by the affirmative vote of four-fifths of the Members of the Senate.

Note of Ruling

Refusal of the Senate to suspend the foregoing rule to permit the introduction of a bill does not prevent its being offered again for introduction later (Lieutenant Governor Witt, 43rd Reg., 1656).

INTRODUCTION AND CONSIDERATION OF LOCAL BILLS

115. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

MEANING OF TERM LOCAL BILLS AS USED IN
RULES 113 AND 115

A local bill is defined for the purposes of this Rule as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the State, and which do not include or require any appropriation out of state funds or which do not affect any state policies, and which do not affect directly the state at large, and the operation of which is confined solely to a particular locality, district or section of the state.

SUSPENSION OF RULE LIMITING CONSIDERATION
OF BILLS

116. Except as otherwise provided in Rule 113, bills shall not be taken up, considered or acted upon by the Senate during the first sixty calendar days of the session, unless this Rule be suspended by the affirmative vote of four-fifths of the Members of the Senate.

CONSIDERATION OF BILLS IN COMMITTEES

117. It shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate.

Note of Ruling

In absence of a Senate rule or resolution suspending it, the suspension of Section 5 of Article III relating to consideration of bills in committee requires separate vote for each bill (Senator Hardin, 42nd Reg., 167).