



HOUSE GENERAL & FLOOR PROCEDURES

POWERS AND DUTIES OF SPEAKER:

- Presides over sessions of the House. [House Rule ("HR") 4(a)]
- Preserves order and decorum. [HR 4(a)]
- Decides all questions of order, subject to a representative's appeal to the House. The Speaker may not vote on the appeal. [HR 5]
- Appoints members to committees [HR 8] and may appoint special committees. [HR 31]
- Signs legislation that has passed the House and all warrants, writs, or subpoenas issued by the House. [HR 7]
- May appoint a member to serve as Temporary Presiding Officer to serve until adjournment or recess. [HR 6(a)]
- If neither Speaker nor Temporary Presiding Officer is present, the Speaker Pro Tempore presides. The Speaker Pro Tempore is the senior member of the majority party. Also, the Speaker Pro Tempore performs the duties of the Speaker when the Speaker takes a leave of absence. [HR 6(b)]
- Determines the committee to which legislation is assigned. [HR 9]
- Sets the House agenda. [HR 10; HR 47(a)]

ATTENDANCE REQUIRED: A member may not be absent from a session of the House without notifying the Speaker. A member who is absent without notice may be considered in contempt and subject to censure. [HR 12]

HOUSE QUORUM; REQUIRED: 21 members constitutes a quorum. Quorum is required to convene the House. [HR 13]

ADDRESSING THE HOUSE: If a member wishes to speak, the member must rise or raise the member's hand and wait to be permitted to speak by the Speaker. [HR 14]

DECORUM DURING SESSION: A member must behave in a dignified manner, including not making derogatory comments about or to other members, not talking on the members phone during session, and not interrupting other members. [HR 15] Conduct of Members: A member may not engage

CONDUCT OF MEMBERS: A member may not engage in conduct which the House determines brings the House into disrepute or reflects adversely on the member's fitness to hold office. See HR 16 for a complete list of prohibited conduct and HR 17 for the House's anti-harassment policy.

INTRODUCTION OF LEGISLATION: Legislation is introduced by: (1) filing it with the Chief Clerk by noon on a session day or by a time specified by the Clerk on a nonsession day or (2) by introduction from the floor, if permitted by the Speaker. [HR 21(b)]

STRIKING LEGISLATION: The Prime Sponsor may strike the bill in writing or by request made to the Speaker during session. [HR 29]

EFFECT OF PRIME SPONSOR DEATH, EXPULSION, OR RESIGNATION: If not yet been acted on by the House and there are other House sponsors, the Speaker may designate one of the sponsors to be prime, if requested, or designate one of the sponsors to floor manage. [HR 29]

ASSIGNMENT TO APPROPRIATIONS COMMITTEE: Legislation with a fiscal loss or obligation of \$100,000 or more must be assigned to Appropriations either in the first instance or after it is returned from another standing committee. [HR 22]

WHEN FISCAL NOTES; FEE IMPACTS REQUIRED: A fiscal note is required when legislation authorizes an expenditure of any amount, increases or affects the Transportation Trust Fund, or reduces revenues under Chapter 19 of Title 29 of the DE Code. A fee impact is required when legislation proposes a new fee or increase in an existing fee. [HR 22]

MOTIONS: HR 42 governs the precedence of motions and lists typical motions.

SECOND TO MOTION: By practice a second is required for all motions.

RECONSIDERATION: Must be made on same day or 1 of 3 next legislative days. Must be made by member of the prevailing side. [HR 43(a)]

SUSPENSION OF THE RULES: Requires vote of a majority of the members elected. The motion is debatable; main question is not. [HR 45]

AMENDMENTS:

- If it changes the “nature and intent” of the legislation, it must be prefiled. If it makes “only technical corrections” it may be introduced from the floor. [HR 25(a)]
- Synopsis outlining the basic changes is required if it significantly changes the nature and intent. [HR 25(b)]
- If it increases expenditures or reduces revenues by \$50,000 or more, a new fiscal note is required. [HR 25(c)]
- If significantly changes the legislation, the Speaker may reassign the amended legislation to committee. [HR 25(d)]
- May not amend the title of the legislation. [HR 25(d)]
- Must be acted on in numerical order. [HR 25(e)]
- Floor managed by the prime sponsor. [HR 25(e)]
- Requires the affirmative vote of a majority of the elected members. [HR 25(e)]
- An amendment to amendment must be considered before passage of the amendment it is amending [HR 25(g)]

FINAL READING:

- By title only, unless the Speaker directs otherwise. [HR 24(a)]
- A bill or joint resolution must be read on 2 different days unless on a Consent Agenda or Calendar or otherwise determined by a majority of the members elected. [HR 24(b)]
- Legislation may not be brought before the House on the same calendar day it is reported out of committee. [HR 24(b)]

VOTING:

- Except if on a Consent Agenda or Calendar, a bill or resolution that comes before the House must be acted on by separate roll call vote. [HR 28(a)]
- Roll is called alphabetically, except for Speaker or Temporary Speaker. [HR 28(b)]
- A member is to state the following when called on, without debate or comment: “Yes”, “No”, or “Not voting”. [HR 28(b)]
- A member must vote from the member’s seat. [HR 28(b)]
- A member may not change the member’s vote after the roll call has been announced by the Chief Clerk. [HR 28(c)]
- A roll call may not be laid on the table. [HR 28(d)]
- The passage of a bill or resolution requires the affirmative vote of a majority of elected members unless otherwise required by the Delaware or U.S. Constitutions. [HR 28(e)]
- By practice, votes on amendments and simple and concurrent resolutions are by voice. However, a member may request roll call under HR 41(d).

CONSENT AGENDA: Consists of bills and joint resolutions. Any member may propose a bill or JR for inclusion. A bill or JR must be removed if a member objects to its inclusion or if an unattached amendment is proposed. All bills and JRs on the agenda are voted on as a single group. If one bill or JR needs a supermajority vote, the agenda must get a supermajority vote. [HR 48]

CONSENT CALENDAR: Consists of resolutions. Any member may propose a resolution for inclusion. A resolution must be removed if a member objects to its inclusion or if an unattached amendment is proposed. All resolutions on the agenda are voted on as a single group. [HR 49]

MASON’S MANUAL OF LEGISLATIVE PROCEDURE: Governs in all cases to which it is applicable and not inconsistent with House Rules. [HR 52]

PRIVILEGE OF THE FLOOR: Speaker may grant on request of a member. [HR 57]

EXPEDITED PROCEDURES: The Speaker may designate the procedure by which certain items are expedited and House rules that interfere are suspended unless a member objects. [HR 58]