



# SENATE GENERAL & FLOOR PROCEDURES

## POWERS AND DUTIES OF PRESIDENT OF THE SENATE (“PRESIDENT”):

- Presides over sessions of the Senate. [Senate Rule (“SR”) 7]
- Preserves order and decorum [SR 7], including in the Senate gallery [SR 62]
- Decides all questions of order, subject to a Senator’s appeal to the Senate. May submit question to Senate. [SR 10(a); 10(d)]

## POWERS AND DUTIES OF PRESIDENT PRO TEMPORE (“PRO TEMPORE”):

- Serve as, or appoint a member to serve as, presiding officer in the absence of the President. [SR 7(a)]
- If the Office of the President Pro Tempore is vacant, or the Pro Tempore is unable to perform the Office’s duties, the majority leader performs the duties of the Pro Tempore until the Senate chooses a new Pro Tempore or the Pro Tempore can perform the duties. [SR 8]
- Signs legislation that has passed the Senate [SR 11] and subpoenas issued by the Senate. [SR 60(a)(1)]
- Appoints members to committees [SR 12(a)] and may appoint special committees. [SR 12(b)]
- Determines committee to which legislation is assigned. [SR 13]

**ATTENDANCE REQUIRED:** A member may not be absent from a session of the Senate without notifying the Pro Tempore. [SR 16]

**SENATE QUORUM:** 11 members constitute a quorum. Quorum is required to do business, but a smaller number may adjourn and has the power to compel attendance of absent members. [§ 8 of Article II of the Delaware Constitution]

**ADDRESSING SENATE:** If a member wishes to speak, the member must rise and wait to be permitted to speak by the Presiding Officer. [SR 9(a)]

**RESTRICTION ON SPEAKING:** Member may not speak more than 3 times on 1 question on the same day without leave of the Senate. [SR 9(c)]

**DECORUM DURING SESSION:** A member must behave in a dignified manner, including not interrupting other members or imputing to another member any conduct or motive unworthy or unbecoming of a member; these also apply to those granted privilege of the floor. [SR 9(b), (d), & (f)]

**CONDUCT OF MEMBERS:** A member may not engage in conduct which brings the Senate into disrepute or reflects adversely on the member’s fitness to hold office. See SR 17 for a list of prohibited conduct, SR 18 for the Senate’s anti-harassment policy, and SR 19 for the Rules & Ethics Committee’s process.

**INTRODUCTION OF LEGISLATION:** Legislation is introduced by: (1) filing it with the Secretary at any time on a session day or by a time specified by the Secretary of the Senate (“Secretary”) on a nonsession day, (2) by introduction from the floor, or (3) by being placed on the President Pro Tempore’s pre-filed list. [SR 25(b)]

**STRIKING LEGISLATION:** Only the Prime Sponsor may strike legislation. [SR 25(c)]

**ASSIGNMENT TO FINANCE COMMITTEE:** Legislation with a fiscal loss or obligation of \$100,000 or more must be assigned to the Finance Committee after it is returned from the standing committee to which it is assigned. [SR 29]

**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. See Chapter 19 of Title 29 of the DE Code for full list. A fee impact statement is required when legislation proposes a new fee or increase in an existing fee under § 913 of Title 29. [SR 28]

**MOTIONS:** SR 37 governs the precedence of motions, lists typical motions, and provides other requirements.

**SECOND TO MOTION:** A second to a motion is not required. [Mason’s Manual of Legislative Procedure (“Mason’s”), Sec. 58 & 157; SR 50]

**RECONSIDERATION:** Must be made within 3 legislative days of the original vote. Must be made by member of the prevailing side. Not voting: counts as “no”. [SR 39(a)]

**SUSPENSION OF THE RULES:** Requires vote of a majority of the members elected. [SR 49] The motion is not debatable. [SR 50; Mason's Sec. 282-6(b)]

**AMENDMENTS & SUBSTITUTES:**

- May not amend the title of the legislation. [SR 31(a)]
- May direct a specific attached amendment be stricken. [SR 31(b)]
- May be amended by citing the lines and text of the amendment itself. [SR 31(c)]
- Must act on amendment before taking final action on bill or resolution. [SR 31(d)]
- Must be acted on in numerical order. [SR 31(e)]
- Requires the affirmative vote of a majority of the elected members. [SR 31(f)]
- A substitute bill is an amendment that takes the place of the Senate bill wherever it is in the Senate process. [SR 30]

**FINAL READING:**

- By title only. [SR 27 (d)]
- Legislation may not be brought before the Senate on the same legislative day it is reported out of committee. [SR 27(b)] Note, committee reports are often read before the change of the legislative day and so legislation may be considered the same calendar day it is reported out.
- Senate bill or resolution returning from the House may not be acted on unless first placed on agenda. [SR 27(f)]
- When legislation's place on agenda is reached, it may be deferred twice to end of the agenda and, after that, must be considered or removed to ready list. If removed to ready list it may not be considered on same or next legislative day. [SR 27(c)]
- Tabled legislation may not be lifted from table until placed on an agenda, unless lifted on same legislative day tabled. [SR 27(e)]

**VOTING:**

- Except if on a Consent Agenda [SR 32] or Calendar [SR 33], a bill, resolution, or amendment that comes before the Senate must be acted on by separate roll call vote. [SR 38(a)]
- 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. [SR 38(b)]
- Roll is called alphabetically. [SR 38(c)]
- A member is to state the following when called on, without debate: "Yes", "No", or "Not voting". [SR 38(c)]
- A member may not vote or change the member's vote after the roll call has been announced by the Secretary. [SR 38(d)]
- Privilege of the floor may not be granted until the President has declared the roll call. [SR 38(e)]
- A roll call may not be laid on the table. [SR 38(f)]
- Unlike the House, the Senate does not have a rule requiring a member to vote from their seat.

**CONSENT AGENDA:** Consists of bills and joint resolutions ["JR"]. 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. [SR 32]

**CONSENT CALENDAR:** Consists of simple & concurrent 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 are voted on as a single group. [SR 33]

**EXECUTIVE COMMITTEE CONSENT CALENDAR:** Consists of nominations for re-appointment to current positions. A nomination must be removed if a member objects. All nominations are voted on as a single group. [SR 34]

**MASON'S MANUAL OF LEGISLATIVE PROCEDURE:** Governs in all cases to which it is applicable and not inconsistent with Senate Rules or the Delaware Constitution. [SR 50]

**PRIVILEGE OF THE FLOOR:** May be granted with consent of the Senate. [SR 57]

**VIRTUAL MEETINGS:** If the Pro Tempore permits remote participation in a floor session, the member is able to vote as if the member is physically present. [SR 54]