



SPONSOR: Sen. Sokola & Sen. Townsend & Sen. Lockman &
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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE RESOLUTION NO. 2

RELATING TO THE RULES OF THE DELAWARE STATE SENATE.

BE IT RESOLVED by the Senate of the 152nd General Assembly of the State of Delaware that the Rules of the Senate are, until further action of the Senate, as follows:

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77 **I. Convening and Order of Business.**

78 **Rule 1. Convening Of Senate; Proceedings Public.**

79 (a) Unless otherwise ordered by the concurrence of a majority of all the members elected to the Senate or by the
80 President Pro Tempore, the Senate shall convene as follows on days established by act of Legislative Council:

81 (1) During regular session in a month other than June, Tuesday at 2 p.m.; Wednesday at 4 p.m., to allow for
82 committee meetings; and Thursday at 2 p.m.

83 (2) During regular session in the month of June, the dates and times under paragraph (a)(1) of this rule
84 control, except that the Wednesday convening of the Senate will occur at 3 p.m.

(b) Except as otherwise permitted under § 11 of Article II of the Delaware Constitution, proceedings of the Senate are public. The proceedings of the Senate and the Senate's committees must be broadcast on the General Assembly's website. A technological failure that prevents, or a technological limitation that limits, public access otherwise required under this subsection does not invalidate a meeting of the Senate or the Senate's committees or an action taken at a meeting of the Senate or the Senate's committees.

Rule 2. Order of Business.

After the convening of the Senate, the order of business proceeds as follows:

- (1) Calling of the Senate to order.
- (2) Prayer or reflection.
- (3) Salute to the flag.
- (4) Roll call.
- (5) Reading of the minutes.
- (6) Presentation of petitions, memorials, or communications.
- (7) Reports from Standing and Special Committees.
- (8) Reporting by the Secretary of the Senate ("Secretary") of prior filed bills, resolutions, and tributes, including the President Pro Tempore's pre-filed list under Rule 25.
- (9) Introductions of all other bills and resolutions by members.
- (10) Agenda for the day.
- (11) Miscellaneous business.

Rule 3. Roll Calls.

(a) Each legislative day before the Senate proceeds to the consideration of any business, the Secretary shall call the names of the members in alphabetical order.

(b) The Secretary shall post the results of each roll call no later than the conclusion of the legislative day in which the roll call was taken.

Rule 4. Contents of Journal; Reading of Minutes.

(a) The Secretary shall briefly and accurately state the proceedings of the Senate in the Journal. The Journal must include all of the following:

- (1) Messages to the Governor in full.
- (2) The titles of all bills and resolutions.
- (3) Except for a motion for adjournment, each motion with the name of the member making the motion.

(4) The names of the members voting on all roll calls.

(b) The Secretary shall read the minutes of the preceding legislative day following the roll call required by Rule 3(a). Following the reading of the minutes, the Senate shall, by order, approve or correct the minutes.

Rule 5. Petitions, Memorials, and Communications.

(a) After the minutes are read, the Presiding Officer shall lay before the Senate communications and messages from the Governor, reports and communications from Departments or State Boards and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives that are undisposed of and on the Presiding Officer's table.

(b) When petitions, memorials, and other papers addressed to the Senate are presented by the President of the Senate or a member, the contents must be briefly stated.

(c) Messages from the Governor or from the House of Representatives may be received at any stage of proceedings with the concurrence of the Presiding Officer, except while the minutes are being read, while a question of order or a motion to adjourn is pending, or while a bill is on the floor.

(d) When a message is brought to the Senate by the Governor or the Governor's messenger, or by a member of the House of Representatives or any officer of the House of Representatives, the members of the Senate shall stand, if directed by the Presiding Officer.

II. Senate Officers and their Duties.

Rule 6. Senate Officers.

(a) Under § 19 of Article III of the Delaware Constitution, the Lieutenant Governor is the President of the Senate.

(b) Under § 7 of Article II of the Delaware Constitution, the Senate shall choose a member to be President Pro Tempore.

(c) The Senate shall elect a Secretary and appoint an Assistant Secretary and other officers as the Senate determines necessary.

Rule 7. Presiding Officer; Duties.

(a) The President of the Senate is the Presiding Officer. In the absence of the President of the Senate, the President Pro Tempore, or a member appointed by the President Pro Tempore, serves as the Presiding Officer.

(b) The Presiding Officer shall preside and have general direction over the Senate Chamber and shall preserve order and decorum.

Rule 8. Acting President Pro Tempore.

(a) If the office of President Pro Tempore is vacant, the majority leader serves as Acting President Pro Tempore until the Senate chooses a member to be President Pro Tempore.

(b) If the President Pro Tempore is unable to discharge the powers and duties of the President Pro Tempore's office, the majority leader serves as Acting President Pro Tempore until the President Pro Tempore is able to discharge the powers and duties of the President Pro Tempore's Office.

Rule 9. Order and Decorum.

(a) When a member desires to speak, the member shall rise and address the Presiding Officer, and may not proceed until recognized.

(b) A member may not interrupt another member in debate without the other member's consent. To obtain the other member's consent the member shall first address the Presiding Officer.

(c) A member may not speak more than 3 times on any 1 question in debate on the same day without leave of the Senate. Leave of the Senate is to be determined without debate.

(d) A member in debate may not, directly or indirectly, by any form of words, impute to another member any conduct or motive unworthy or unbecoming a member.

(e) If any member, in speaking or otherwise, transgresses the rules of the Senate, the Presiding Officer shall, or any member may, call the member to order. When a member is called to order, the member shall sit down and not proceed without leave of the Senate, which, if granted, must be on motion that the member be allowed to proceed in order. Leave of the Senate is to be determined without debate.

(f) If an individual who is not a member of the Senate is granted the privilege of the floor for the purpose of addressing the Senate, the individual and the members of the Senate shall accord each other the same courtesies and respect that is required among members of the Senate.

(g) The Presiding Officer shall call for the respectful observation of a prayer, reflection, salute to the flag, or other solemn observance.

Rule 10. Question of Order.

(a) A question of order may be raised at any stage of the proceedings and, unless submitted to the Senate under subsection (d) of this rule, must be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

(b) When an appeal is taken, any subsequent question of order which may arise before the decision on the appeal must be decided by the Presiding Officer without debate.

(c) An appeal may be laid on the table without prejudice to the pending proposition. If an appeal is laid on the table, it is held as affirming the decision of the Presiding Officer.

(d) The Presiding Officer may submit a question of order to the Senate for a decision.

Rule 11. Signing of Bills and Joint Resolutions.

The President Pro Tempore shall sign all bills and joint resolutions passed by the Senate.

Rule 12. Appointment of Committees.

(a) The President Pro Tempore shall appoint the Senate members of all standing and joint committees created by these rules, order of the Senate, mutual agreement of the Senate and House, or law of this State.

(b) The President Pro Tempore, at the Pro Tempore's own initiative or on order of the Senate, may appoint special or select committees.

(c) The President Pro Tempore shall appoint a chair for each committee created under these rules. The President Pro Tempore may appoint a vice chair for a committee.

Rule 13. Assignment of Bills and Joint Resolutions to Committee.

The President Pro Tempore shall determine the principal objective of a bill or joint resolution and assign the bill or joint resolution to the appropriate committee.

Rule 14. Assignment and Control of Legislative Space.

(a) When the Senate is in session, the Presiding Officer has general charge and supervision of the Senate Chamber and galleries.

(b) Except as otherwise provided under subsection (c) of this rule, the President Pro Tempore has general charge and supervision of the following space in Legislative Hall:

(1) When the Senate is not in session, the Senate Chamber and galleries.

(2) Senate committee rooms.

(3) Senate member and staff offices.

(4) Adjoining and connecting hallways and passages.

(c) The Legislative Council has general charge and supervision of the following space in Legislative Hall:

(1) Main hallways on the ground, first, and second floors.

(2) First and second floor atrium.

(3) Legislative cafeteria.

(4) Joint Finance Committee room.

(d) The President Pro Tempore shall allocate parking spaces for members and staff.

(e) Notwithstanding subsection (a) of this rule, the President Pro Tempore shall allocate the desks on the floor of the Senate and provide space for members of the press under Rule 58(b).

204 **Rule 15. Delivery of Legislation and Messages from the Senate; Duties of Secretary.**

205 (a) The Secretary or a member or other officer of the Senate directed by the Presiding Officer shall deliver
206 messages to the House of Representatives.

207 (b) Before delivery, the Secretary shall certify the determination of the Senate on all bills, joint resolutions, and
208 other resolutions which may be communicated to the House or in which its concurrence may be requested.

209 (c) The Secretary shall certify and deliver to the Governor legislation and other communications which may be
210 directed to the Secretary by the Senate.

211 (d)(1) The Secretary shall present all Senate bills and Senate joint resolutions to the Governor not later than each
212 third Friday of September, unless passed by the General Assembly after the third Friday of September.

213 (2) If the President Pro Tempore and Senate prime sponsor notify the Secretary to not present a Senate bill or
214 Senate joint resolution, the Secretary may not present the Senate bill or Senate joint resolution until the earlier of the
215 following:

216 a. The date the President Pro Tempore and Senate prime sponsor notify the Secretary to present the
217 Senate bill or Senate joint resolution.

218 b. 14 days before the earlier of the following for each legislative session of a General Assembly:

219 1. Tuesday next after the first Monday in November.

220 2. Final adjournment.

221 **III. Rights and Duties of the Members.**

222 **Rule 16. Attendance of Members.**

223 (a) A member shall be in the member's place at the time to which the Senate stands recessed.

224 (b) A member may not be absent from the service of the Senate without notifying the President Pro Tempore.

225 **Rule 17. Rules of Legislative Conduct.**

226 (a) A member is subject to discipline by the Senate for a violation of any of the following, which are deemed to
227 constitute "disorderly behavior" within the meaning of § 9 of Article II of the Delaware Constitution:

228 (1)a. Restrictions relating to "personal or private interests" within the meaning of § 20 of Article II of the
229 Delaware Constitution and Chapter 10 of Title 29 of the Delaware Code, as follows:

230 1. Except as otherwise provided in paragraph (a)(1)a.2. of this rule, a member who has a personal or
231 private interest in a measure or bill pending before the Senate shall disclose the fact and may not participate in
232 the debate or vote on the measure or bill.

233 2. A member who has a personal or private interest in a measure or bill pending before the Senate
234 may do the following:

235 A. On the request of another member, respond to questions concerning the measure or bill.

236 B. Add factual matter to the debate which the member believes will correct wrong or false
237 information.

238 3.A. A personal or private interest in a measure or bill is an interest which tends to impair a
239 member's independence of judgment in the performance of the member's legislative duties with respect to
240 that measure or bill.

241 B. A member has an interest which tends to impair the member's independence of judgment in
242 the performance of the member's legislative duties with regard to a measure or bill if any of the following
243 apply:

244 I. The enactment or defeat of the measure or bill would result in a financial benefit or
245 detriment to accrue to the member or a close relative to a greater extent than the benefit or detriment
246 would accrue to others who are of the same class or group of persons.

247 II. The member or a close relative has a financial interest in a private enterprise which
248 enterprise or interest would be affected by a measure or bill to a greater extent than like enterprises or
249 other interests in the same enterprise.

250 III. A person required to register as a lobbyist under Chapter 58 of Title 29 of the Delaware
251 Code is a close relative of the legislator and that person acts to promote, advocate, influence or
252 oppose the measure or bill.

253 4.A. If a member who has a personal or private interest in a measure or bill pending before the Senate
254 is present when the measure or bill is voted on, the disclosure required under paragraph(a)(1)a.1. of this rule
255 must be made in open session as follows:

256 I. If the measure or bill is considered by a committee to which the member is appointed,
257 before the consideration of the measure or the bill by the committee.

258 II. If the measure or bill is considered by the Senate, before the vote on the measure or bill
259 by the Senate.

260 B. If a member who has a personal or private interest in a measure or bill pending before the
261 committee or the Senate is absent when a measure or bill is voted on which would have required

disclosure required under paragraph (a)(1)a.1. of this rule, then the member shall make the required disclosure as soon as possible on returning to the committee or Senate.

C. Disclosure under paragraph (a)(1)a.4. of this rule may be made by written statement submitted to the Chair of a committee or the President Pro Tempore and read in open session in the committee or the Senate, as applicable.

b. For the purposes of this rule:

1. "Close relative" means a member's parents; spouse; children, whether natural, adopted, or by marriage; and siblings of the whole and half-blood.

2.A. "Private enterprise" means any activity, whether conducted for profit or not for profit, and includes the ownership of real or personal property.

B. "Private enterprise" does not include any activity of the State of Delaware, a political subdivision, or an agency, authority, or instrumentality of the State or a political subdivision.

3. "Financial interest in a private enterprise" means one of the following:

A. A legal or equitable ownership interest in the enterprise of more than 10%, or of more than 1% in the case of a corporation whose stock is regularly traded on an established securities market.

B. An individual is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee, or independent contractor.

C. An individual is a creditor of a private enterprise in an amount equal to 10% or more of the debt of that enterprise, or 1% or more in the case of a corporation whose securities are regularly traded on an established securities market.

4. "Person" means an individual, partnership, corporation, trust, joint venture, and any other association of individuals or entities.

(2) Receiving a bribe in violation of § 1203 of Title 11 of the Delaware Code.

(3) Receiving unlawful gratuities in violation of § 1206 of Title 11 of the Delaware Code.

(4) Engaging in conduct constituting official misconduct in violation of § 1211 of Title 11 of the Delaware Code.

(5) Profiteering in violation of § 1212 of Title 11 of the Delaware Code.

(6) Failing to comply with the campaign finance disclosure requirements under Chapter 80 of Title 15 of the Delaware Code.

(7) Failing to comply with the financial disclosure requirements under Chapter 58 of Title 29 of the Delaware Code.

(8) Appearing for, representing, or assisting another in respect to a matter before the General Assembly or one of its committees for compensation other than that provided by law.

(9) Releasing, without authorization of the Rules & Ethics Committee, any confidential matter pertaining to proceedings of the Committee.

(10) Knowingly filing a false statement with the Rules & Ethics Committee or the Senate in connection with any proceeding involving this rule.

(11) Engaging in conduct constituting a violation of Rule 18 (regarding harassment) and filed as a formal complaint under Rule 18(c)(4).

(12) Engaging in conduct which the Senate determines brings the Senate into disrepute or reflects adversely on the member's fitness to hold legislative office.

(b) A member is subject to sanction for any disorderly behavior occurring after the member is elected to the Senate.

(c) A complaint alleging a violation of this rule must be filed in writing by a member with the Rules & Ethics Committee for investigation and recommendation to the Senate as to disposition. A complaint must be accompanied by a written statement signed by a person, sworn under oath, setting forth the facts supporting the complaint. The complaint may not be considered by the Senate before its consideration and recommendation by the Rules & Ethics Committee.

(d)(1) If the Rules & Ethics Committee recommends disciplinary action with respect to a complaint, the Committee shall request that the Senate conduct a proceeding to consider the matter.

(2) If the Rules & Ethics Committee votes to dismiss a complaint, and there are no votes against dismissal in the Committee, the Senate shall take no action with respect to the complaint.

(3) If the Rules & Ethics Committee votes to dismiss a complaint, but there are 1 or more dissenting votes in the Committee, the Senate may consider the matter on the motion of a member, approved by a majority vote of the Senate.

(e) In a proceeding before the Senate involving an alleged violation of this rule, the accused member has all of the following rights:

(1) Notice of the complaint against the member.

(2) To be given an opportunity to be heard after receiving notice of the complaint.

(3) To be advised and assisted by legal counsel.

(4) To produce witnesses.

(5) To offer evidence and to cross-examine witnesses.

(f) A transcript of a proceeding before the Senate involving an alleged violation of this rule must be made and retained by the Secretary.

(g) Rules of procedure for ethics violations adopted by the Senate apply to a proceeding before the Senate involving an alleged violation of this rule.

(h) If the Senate finds by a majority vote that a member has violated this rule, the Senate may impose disciplinary action as the Senate deems appropriate, however, a member may not be suspended or expelled without a vote of two-thirds of the members of the Senate concurring in the suspension or expulsion.

Rule 18. Anti-Harassment Policy and Training.

(a) Statement of Policy. The Senate is committed to providing a safe and respectful workplace that is free of sexual harassment and harassment based on any protected characteristics. Members of the Senate are expected to conduct themselves in a manner that is free of harassment and to discourage and report all harassment. Allegations of harassment involving a member of the Senate will be taken seriously, investigated in a timely and confidential manner, and addressed in accordance with this rule. Retaliation against any member of the Senate or House of Representatives or employee of the General Assembly for reporting a violation of this rule will not be permitted.

(b) Definitions. As used in this rule:

(1) "Employee of the General Assembly" means any employee of the Senate, House of Representatives, Division of Research, or Office of the Controller General. "Employee of the General Assembly" includes full and part-time staff, per diem staff, caucus attorneys, attachés, fellows, and interns.

(2) "Harassment" means "sexual harassment" and "workplace harassment."

(3) "Protected characteristics" means age, race, color, sex, sexual orientation, gender, gender identity, national origin, disability, creed, and religion.

(4) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where any of the following is true:

a. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.

b. Submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting such individual.

c. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(5) "Workplace harassment" means unwelcome conduct that is based on an individual's protected characteristic in the form of treatment or behavior that, to a reasonable person, creates an intimidating, hostile, or offensive work environment.

(c) Reporting procedures.

(1) Harassment by a member of the Senate should be reported to one of the following as soon as practicable:

a. The Chief of Staff for the Majority Caucus.

b. The Chief of Staff for the Minority Caucus.

c. The Secretary of the Senate.

(2) All complaints of harassment and the identities of the accused and the complainant must be kept confidential in accordance with this rule. The victim of the alleged harassment may choose to proceed with an informal report or a formal complaint under this subsection.

(3) Informal reporting.

a. An individual who believes that the individual may have been subjected to harassment may simply want particular conduct to stop but may not wish to go through a formal complaint process. The informal reporting process is designed and intended to meet that need.

b. A member of the Senate or House or an employee of the General Assembly who believes they have been subject to harassment by a member of the Senate may report the behavior to an individual listed in paragraph (c)(1) of this rule. The report may be made verbally or in writing and should include the following information:

1. The name of the reporting party.

2. The name of the member of the Senate alleged to have engaged in harassment.

3. The names of all parties involved, including witnesses.

4. The date, time, and location of the alleged harassment. If the harassment occurred on electronic or social media, the platform for the harassment.

5. A detailed description of the alleged harassment.

6. A description of the desired remedy.

c. An individual listed in paragraph (c)(1) of this rule who receives an informal report of harassment shall take the following steps:

1. Notify the Leader of the caucus to which the member accused of harassment belongs, unless the member accused of harassment is the Leader of the caucus.

2. Notify the President Pro Tempore that an informal report has been made, unless the President Pro Tempore is the subject of the complaint.

d. The Leader of the caucus to which the member accused of harassment belongs shall take appropriate action to ensure that the reporting party has a safe and non-hostile work environment. If the member who is alleged to have engaged in harassment is the caucus Leader, the President Pro Tempore, on being notified, shall inform the Whip of that member's caucus. The Whip shall then take appropriate action to ensure the reporting party has a safe and non-hostile work environment.

e. The Leader of the caucus to which the member accused of harassment belongs shall inform the member that an informal harassment report has been received and the Leader shall counsel the member against any further harassment and that retaliation is prohibited. If the member who is alleged to have engaged in harassment is the caucus Leader, the President Pro Tempore shall inform the member of the complaint and counsel the member against any further harassment and that retaliation is prohibited.

(4) Formal complaint.

a. A member of the Senate or House or an employee of the General Assembly who believes they have been subject to harassment by a member of the Senate may, within 1 year of the date of harassment, initiate a formal complaint by submitting a complaint to an individual listed in paragraph (c)(1) of this rule. A formal complaint must be in writing and include all of the following:

1. The name of the complainant.
2. The name of the member of the Senate alleged to have engaged in harassment.
3. The names of all parties involved, including witnesses.
4. The date, time, and location of the alleged harassment. If the harassment occurred on electronic or social media, the platform for the harassment.
5. A detailed description of the alleged harassment.
6. A description of the desired remedy.

b. An individual listed in paragraph (c)(1) of this rule who receives the formal complaint shall take the following steps:

409 1. Notify the Leader of the caucus to which the member accused of harassment belongs, unless the
410 member accused of harassment is the Leader of the caucus.

411 2. Notify the President Pro Tempore that a formal complaint has been made, unless the President Pro
412 Tempore is the subject of the complaint.

413 c. The Leader of the caucus to which the member accused of harassment belongs shall take appropriate
414 action to ensure that the complainant has a safe and non-hostile work environment. If the member who is alleged
415 to have engaged in harassment is the caucus Leader, the President Pro Tempore, on being notified, shall inform the
416 Whip of that member's caucus. The Whip shall then take appropriate action to ensure the complainant has a safe
417 and non-hostile work environment.

418 d. The Leader of the caucus to which the member accused of harassment belongs shall inform the
419 member that a formal complaint has been received and the Leader shall counsel the member against any further
420 harassment and that retaliation is prohibited. If the member who is alleged to have engaged in harassment is the
421 caucus Leader, the President Pro Tempore shall inform the member of the complaint and counsel the member
422 against any further harassment and that retaliation is prohibited.

423 e. The President Pro Tempore on receipt of the complaint shall send a letter to the Chair of the Rules &
424 Ethics Committee requesting an investigation into the complaint as soon as practicable. If the President Pro
425 Tempore is the individual accused in the complaint, the Majority Leader shall request an investigation of the
426 complaint. If the Chair is the individual alleged to have engaged in harassment, the President Pro Tempore shall
427 designate another member to act as the Chair of the Committee for the purposes of investigation into the
428 complaint.

429 f. The Rules & Ethics Committee on receipt of the request made under paragraph (c)(4)e. of this rule shall
430 convene as soon as practicable. The Rules & Ethics Committee shall proceed on the formal complaint as provided
431 under these rules and other rules adopted by the Senate to govern a complaint under these rules.

432 g. All members and employees of the General Assembly involved in an investigation of a formal
433 complaint shall cooperate with the investigation and keep information regarding the investigation confidential.

434 h. The Rules & Ethics Committee shall notify the member alleged to be involved in the harassment that a
435 formal complaint has been received and an investigation initiated.

436 i. If a member of the Rules & Ethics Committee is the complainant or the individual alleged to have
437 engaged in harassment, that member may not participate in any proceedings relating to the complaint and the
438 President Pro Tempore shall designate another member of the Senate to act as a member of the Committee, unless

the President Pro Tempore is the individual alleged to have engaged in harassment. If the President Pro Tempore is alleged to have engaged in harassment, then the Majority Leader shall designate another member of the Senate to act as a member of the Committee.

(d) The Senate shall provide training to members and Senate staff regarding the prevention of sexual harassment and workplace harassment.

(1) The Senate shall provide the training required by this subsection to members and Senate staff within 8 months of election day.

(2) The Senate shall ensure members and Senate staff complete the training required by this subsection once each General Assembly if not trained under paragraph (d)(1) of this rule.

(3) The training provided under this subsection shall include all of the following:

a. That sexual harassment and workplace harassment are prohibited by this rule and State law.

b. The definition of sexual harassment and workplace harassment using examples.

c. The legal remedies and complaint process available to the members and Senate staff.

d. Directions on who to contact to file a complaint under this rule.

e. The legal prohibition against retaliation.

(e) Members, employees of the General Assembly, and investigators shall keep the details of any ongoing investigation confidential, including the identity of the complainant.

Rule 19. Rules & Ethics Committee.

(a) The Rules & Ethics Committee is a standing committee of the Senate.

(b) The Rules & Ethics Committee's powers and duties are as follows:

(1) Recommend to the Senate, from time to time, rules of conduct for members of the Senate.

(2) On request of a member, issue a written advisory opinion as to the applicability of a rule of legislative conduct under Rule 17 to a particular fact situation.

(3) Investigate an alleged violation by a member of a rule of legislative conduct under Rule 17 and, after notice and hearing, recommend to the Senate, by resolution, disciplinary action if deemed appropriate by the Committee.

(4) Report to the appropriate federal or State authorities substantial evidence of a violation by a member of a law involving a rule of legislative conduct under Rule 17 that may come to the Committee's attention in connection with a proceeding whether advisory or investigative.

(5) Maintain a file of the Committee's proceedings and advisory opinions with a view toward achieving consistency of opinions and recommendations.

(6) On request of a member who sought an advisory opinion, publish the advisory opinion.

(7) Follow rules of procedure for ethics violations as may be adopted by the Senate and establish procedural rules for the Committee that are not inconsistent with the rules prescribed by the Senate.

(8) Act only with a majority vote of the Committee's members.

(9) Retain counsel to assist the Committee with any of the Committee's powers or duties.

(10) Other duties and responsibilities as may be assigned by the Senate.

(c)(1) A proceeding before the Rules & Ethics Committee in connection with an advisory opinion is confidential, subject to the following:

a. The member who requested the advisory opinion may waive the privilege of confidentiality.

b. If the member who requested the advisory opinion acts in disregard of the advisory opinion, the proceedings are no longer confidential and may be made public in any subsequent disciplinary proceeding.

c. The Rules & Ethics Committee shall maintain records of its proceedings and advisory opinions which must be available for reference by the Committee, a subsequent Committee, and the Committee's staff.

d. Reports to the appropriate federal or State authorities under paragraph (b)(4) of this rule.

(2) A member who acts in good faith reliance on a written advisory opinion of the Rules & Ethics Committee rendered to that member is not subject to discipline by the Senate with respect to the matters covered by the advisory opinion, if the member fully disclosed to the Rules & Ethics Committee all facts necessary for the opinion.

(d) A member of the Rules & Ethics Committee is ineligible to participate as a member of the Committee in a Committee proceeding relating to the member's legislative conduct under Rule 17.

(1) If a member is ineligible under this subsection, the President Pro Tempore shall appoint a member of the Senate who belongs to the same caucus as the ineligible member to act as a member of the Committee in a Committee proceeding relating to the legislative conduct of the ineligible member. If the member who is ineligible under this subsection is the President Pro Tempore, the Majority leader shall appoint a member of the Senate who belongs to the same caucus as the President Pro Tempore to act as a member of the Committee.

(2) A member of the Committee found by the Senate to have violated a rule of legislative conduct under Rule 17 is ineligible to serve as a member of the Committee.

(e) A member of the Rules & Ethics Committee may seek disqualification from participating in an investigation of the legislative conduct of a member of the Senate if the member submits an affidavit of disqualification, in writing and

under oath, stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks disqualification. If the Committee approves and accepts the affidavit of disqualification, the Chair shall notify the President Pro Tempore and request that the President Pro Tempore appoint a member of the Senate to act as a member of the Committee in a Committee proceeding relating to the investigation. If the President Pro Tempore is the subject of the investigation, the Chair shall notify the Majority leader and the Majority leader shall appoint a member of the Senate who belongs to the same caucus as the disqualified member to act as a member of the Committee.

(f) The Rules & Ethics Committee may function without regard to periods of recess or adjournment.

IV. Preparation of Bills, Resolutions, and Amendments.

Rule 20. Required Parts of Bills, Resolutions, and Amendments.

The Secretary may not accept legislation lacking any of the following:

(1) For a bill or resolution, a brief statement of the purpose of the bill or resolution, which is known as the title.

(2) For a bill or resolution, an appropriate enacting or resolving clause.

(3) For a bill, resolution, or amendment, the text of the bill, resolution, or amendment in full.

(4) At the end of each bill, resolution, or amendment, the name of the author or Department who is responsible for writing the bill, resolution, or amendment and a brief synopsis of the intent of the bill, resolution, or amendment.

(5) In the lower left-hand corner of each page of a bill, resolution, or amendment, the following:

a. The initials of the caucus or nonpartisan office preparing the bill, resolution, or amendment.

b. The initials of the legislative attorney or Office of Controller General staff and typist.

c. The document identification number.

Rule 21. Sponsors; Replacing Sponsor After Introduction.

(a)(1) The first name listed after "SPONSOR" on the upper right-hand corner of the first page of bill, resolution, or amendment is the "prime" sponsor.

(2) Other Senate or House members may be included as "co-prime" sponsor, and so listed after the prime sponsor and joined by "&" in the sponsorship line, or as "co-sponsor", and so listed after the prime sponsor and co-prime sponsors.

(b) Once a bill, resolution, or amendment has been pre-filed or introduced, the addition or deletion of a sponsor is not cause for the bill, resolution, or amendment to be reprinted. The Secretary shall note the change in sponsorship in the

calendar, on the jacket of the original bill, resolution, or amendment and on the first page of the original bill, resolution, or amendment.

(c)(1) On the expulsion, death, or resignation of a member, a Senate bill or resolution not yet acted on by the Senate which has the member as the only Senate sponsor is automatically, without motion, stricken. If there are additional Senate sponsors on the bill or resolution, the President Pro Tempore shall do one of the following:

(1) Designate one of the sponsors to be the prime sponsor if a request has been made by one or more sponsors to be a prime sponsor.

(2) If a request is not made under paragraph (c)(1) of this rule within 3 legislative days of the expulsion, death, or resignation of the member, strike the bill or resolution.

Rule. 22. Bills or Resolutions Creating a Task Force.

A bill or resolution introduced in the Senate that establishes a committee, commission, task force, or similar public body ("task force") either for a specified period of time or on a permanent statutory basis, must include all of the following, if applicable:

(1) The purpose of the task force.

(2) The date on which a report is due.

(3) To whom the report is to be presented.

(4) Who appoints an individual to the task force. A nongovernmental individual or entity may not be given authority to appoint an individual to a task force.

(5) Who is to chair the task force or provide for a temporary chair to enable the task force to commence its duties and choose its own chair. In drafting legislation affecting the Delaware Code, the designation of a temporary chair does not need to be made part of the Delaware Code.

(6) Who will provide staff for the task force.

(7) The quorum for the task force.

(8) Authority for the task force to adopt rules necessary for its operation and that if the task force does not adopt rules or if the adopted rules do not govern a situation, Mason's Manual of Legislative Procedure controls the operation or situation.

(9) That the task force must provide the following information to the Director of the Division of Research:

a. Meeting notices, agendas, and minutes. Meeting notices must be provided at least 10 days before a task force meeting to permit the Director to post notice of the meeting on the legislative website.

b. All reports produced by the task force.

c. All other documents produced by the task force at the conclusion of the task force's work.

Rule 23. Preparation And Custody of Bills, Resolutions, and Amendments.

(a) The original bill, resolution, or amendment must be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations, and be produced in a manner approved by the State Archivist and Director of the Division of Research.

(b) A bill, resolution, or amendment must be introduced with one original and one backed copy.

(c) The original must at all times remain in the custody of the Chair of the committee to which it is referred or the Secretary, as applicable.

(d) One backed copy must be delivered to the Division of Research.

(e) The Secretary shall provide each member with an unbacked copy of each bill, resolution, and amendment.

(f) The original used to produce a bill, resolution, or amendment, together with a minimum 160 true copies of the bill, resolution, or amendment, must be delivered to the Division of Research and made available on the legislative website immediately after the introduction of the bill, resolution, or amendment.

Rule 24. Requirements for Introduction.

A bill or amendment that amends the Delaware Code must be drafted with reference to the statutes or parts of statutes contained in the Delaware Code and comply with § 109(d) of Title 1 of the Delaware Code.

V. General Procedure Applicable to Legislation.

Rule 25. Methods Of Introduction of Legislation; Striking of Legislation.

(a) A bill or resolution may only be introduced by a member, group of members, order of the Senate, or report of a committee. An amendment may only be introduced by a member.

(b) A bill, resolution, or amendment may be introduced by any of the following methods:

(1) Filing of the bill, resolution, or amendment with the Secretary, when not placed on the President Pro Tempore's pre-filed list under paragraph (b)(3) of this rule.

a. A bill, resolution, or amendment may be introduced by being filed with the Secretary at any time while the General Assembly is meeting and must be entered by the Secretary on a docket kept for that purpose.

b. A bill, resolution, or amendment that is presented to the Secretary while the Senate stands in recess, in adjournment, or is not otherwise meeting may be given a number by the Secretary and entered by the Secretary on a docket kept for that purpose.

c. As soon as may be practicable following the filing of a bill, resolution, or amendment with the Secretary under paragraph (b)(1)a. or (b)(1)b. of this rule, the Reading Clerk shall read the bill, resolution, or

587 amendment number and title of all bills, resolutions, and amendments filed with the Secretary and entered on the
588 docket under paragraph (b)(1)a. or (b)(1)b. of this rule before the convening of the Senate which have not been
589 previously read.

590 d. The reading of the bill, resolution, or amendment by the Reading Clerk constitutes the first reading of
591 the bill, resolution, or amendment.

592 e. Following the first reading, the Secretary shall distribute copies of the bill, resolution, or amendment
593 under Rule 23(e).

594 f. Following the first reading, the President Pro Tempore shall assign the bill or joint resolution to a
595 committee under Rule 13 or place the amendment to a bill or resolution with the bill or resolution. Following the
596 first reading, the President Pro Tempore may assign a simple or concurrent resolution to a committee.

597 (2) Introduction from the floor while the Senate is in session.

598 a. On introduction from the floor, the Reading Clerk shall read the bill, resolution, or amendment by
599 number and title.

600 b. The reading of the bill, resolution, or amendment by the Reading Clerk constitutes the first reading of
601 the bill, resolution, or amendment.

602 c. Following the first reading, the President Pro Tempore shall assign the bill or joint resolution to a
603 committee under Rule 13 or place the amendment to a bill or resolution with the bill or resolution. Following the
604 first reading, the President Pro Tempore may assign a simple or concurrent resolution to a committee. The
605 Secretary shall distribute copies of the bill, resolution, or amendment under Rule 23(e).

606 (3) By being placed on the President Pro Tempore's pre-filed list.

607 a. The President Pro Tempore may place a bill, resolution, or amendment filed with the Secretary on the
608 "President Pro Tempore's pre-filed list".

609 b. When a bill, joint resolution, or amendment is placed on the President Pro Tempore's pre-filed list, the
610 President Pro Tempore shall assign the bill or joint resolution to a committee under Rule 13 or place the
611 amendment to a bill or resolution with the bill or resolution. Following the first reading, the President Pro
612 Tempore may assign a simple or concurrent resolution to a committee.

613 c. The Secretary shall distribute copies of the President Pro Tempore's pre-filed list to the members
614 before the list is read by the Reading Clerk.

d. The Reading Clerk shall read the President Pro Tempore's pre-filed list as soon as practicable under Rule 2. The reading of the President Pro Tempore's pre-filed list constitutes the first reading of a bill, resolution, or amendment included in the list.

(c) Only the prime sponsor of a bill or resolution, or a member authorized by the prime sponsor in writing, may strike the bill or resolution.

Rule 26. Ready List; Agendas.

(a) A bill or resolution reported out of committee is to be placed on the ready list, unless the bill or resolution is immediately placed on an agenda.

(b) A Senate bill or resolution on the ready list may be placed on the agenda by the prime sponsor. A House bill or resolution on the ready list may be placed on the agenda by the floor manager. The floor manager of a House bill or resolution is the chair of the committee from which the bill or resolution was reported or the chair's designee.

(c) At the end of each day the Senate is in session, the Secretary shall do all of the following:

(1) Announce the proposed agenda of bills and resolutions to be considered on the next legislative day.

(2) Publish the agenda for the next legislative day.

(3) Distribute a copy of the agenda to each member.

(d) A bill or resolution placed on an agenda by the prime sponsor of a Senate bill or resolution or floor manager of a House bill or resolution, without otherwise limiting the right of any member to put a bill or resolution on the agenda, stands in the same order of preference for consideration by the Senate unless otherwise ordered by it.

Rule 27. Consideration of Bills and Joint Resolutions.

(a) Unless a bill or resolution has been placed on a President Pro Tempore's pre-filed list under Rule 25, the bill or resolution, when introduced, must be read one time by title only, after which the bill or resolution is to be assigned to the proper committee under Rule 13.

(b) A Senate bill or resolution may not be considered in the absence of the prime sponsor who introduced it, unless the prime sponsor's written consent is given, or on the same legislative day the bill or resolution is reported out of committee.

(c) After a bill or resolution has reached its order of preference on the agenda, the bill or resolution may be deferred twice to the end of the agenda. After it has been deferred twice, it must be considered when its order of preference is next reached or removed to the ready list by the Secretary. If the bill or resolution is removed to the ready list, the bill or resolution may not again be placed on the agenda for the same or next legislative day.

(d) When considered, each bill or resolution is to be given its final reading by title only.

(e) A bill or resolution that has been tabled may not be lifted from the table for further consideration until the bill or resolution is first placed on an agenda, unless the bill or resolution is lifted for further consideration on the same legislative day the bill or resolution is tabled.

(f) A Senate bill or resolution returning from the House may not be acted on by the Senate unless the bill or resolution is first placed on an agenda.

Rule 28. Fiscal Notes and Fee Impact Statements.

A bill or joint resolution required to have a fiscal note under Chapter 19 of Title 29 of the Delaware Code or a fee impact statement under § 913 of Title 29 of the Delaware Code may not be considered by the Senate or a standing committee unless accompanied by the fiscal note or fee impact statement, as applicable.

Rule 29. Assignment of Legislation to Finance Committee.

If first assigned to a standing committee other than the Finance Committee, a bill or joint resolution, whether introduced in the Senate or the House, that contains an appropriation or that involves a financial loss to or obligation of the State of \$100,000 or more in 1 of the next 3 years must be referred to the Finance Committee after being reported out of its initial committee. A bill or joint resolution referred to the Finance Committee under this rule is not subject to Rule 42.

Vi. Special Procedures Applicable to Legislation.

Rule 30. Substitute Bills.

(a) A Senate substitute bill may be introduced by the prime sponsor of the Senate bill to be substituted.

(b) A Senate substitute bill is an amendment that takes the place of the Senate bill wherever the Senate bill is in the Senate process.

(c) Once introduced, the Senate substitute bill amends the Senate bill to be substituted. If the prime sponsor of the Senate substitute bill strikes the Senate substitute bill, the Senate bill takes the place of the Senate substitute bill wherever the Senate substitute bill is in the Senate process.

(d) The title of a Senate substitute bill must be identical to the title of the Senate bill to be substituted.

Rule 31. Amendments.

(a) An amendment may not amend the title of a bill or resolution.

(b) The changes made by an amendment attached to a bill or resolution in the Senate or House may be removed from the bill or resolution by an amendment that directs that the specific attached amendment be stricken.

(c) An amendment attached to a bill or resolution in the Senate or House may be amended by citing directly to the lines and text of the amendment itself.

(d) The Senate shall act on an amendment to a bill or resolution before taking final action on the bill or resolution.

675 (e) The Senate shall act on amendments in numerical order.

676 (f) The passage of an amendment to a bill or resolution requires an affirmative vote of a majority of all of the
677 members elected to the Senate.

678 **Rule 32. Consent Agenda.**

679 (a) A member of the Senate may propose a bill or joint resolution to the President Pro Tempore for inclusion on a
680 Consent Agenda for the purpose of a final reading. A bill or joint resolution may not be included on a Consent Agenda if a
681 Senate amendment to the bill or joint resolution is proposed.

682 (b) The President Pro Tempore shall compile and then forward the bills and joint resolutions for inclusion on a
683 Consent Agenda to the Secretary.

684 (c) On receipt of the bills and joint resolutions under subsection (b) of this rule, the Secretary shall prepare the
685 Consent Agenda noting each inclusion on the Consent Agenda and present the Consent Agenda to the members, noting the
686 legislative day designated.

687 (d) All bills and joint resolutions included on a Consent Agenda must be read and voted on collectively as a single
688 group.

689 (e) All bills and joint resolutions included on a Consent Agenda do not need to have the same vote requirement for
690 passage. However, if a bill or joint resolution placed on a Consent Agenda has a vote requirement that is greater than a
691 majority of the members elected to the Senate, the Consent Agenda is required to receive the greatest vote required by the
692 bill or joint resolution. The Consent Agenda must state, or the Presiding Officer must announce, if a bill or joint resolution
693 on the Consent Agenda requires that the Consent Agenda receive a vote greater than a majority of the members elected to
694 the Senate.

695 (f) A bill or joint resolution may be removed from the Consent Agenda for individual action if a member objects to
696 the inclusion of the bill or joint resolution.

697 **Rule 33. Consent Calendar.**

698 (a) A member of the Senate may propose a Senate Resolution, Senate Concurrent Resolution, or House Concurrent
699 Resolution for inclusion on a Consent Calendar for the purpose of a final reading. A Senate Resolution, Senate Concurrent
700 Resolution, or House Concurrent Resolution may not be included on a Consent Calendar if a Senate amendment is
701 proposed.

702 (b) A proposal by a member of the Senate for inclusion of a Senate Resolution, Senate Concurrent Resolution, or
703 House Concurrent Resolution on a Consent Calendar must be made to the Secretary.

(c) On receipt of the proposal, the Secretary shall prepare the Consent Calendar noting each inclusion on the Consent Calendar and present the Consent Calendar to the members at an appropriate time during each legislative day.

(d) All resolutions included on the Consent Calendar must be read and voted on collectively as a single group.

(e) A resolution may be removed from the Consent Calendar for individual action if a member objects to the inclusion of the resolution.

Rule 34. Executive Committee Consent Calendar.

(a) The Chair of the Executive Committee may propose a group of nominations for inclusion on an Executive Committee Consent Calendar. The Chair of the Executive Committee may only include the names of nominees who are being re-appointed to their current position.

(b) The proposal by the Chair of the Executive Committee for an Executive Committee Consent Calendar must be made to the Secretary.

(c) On receipt of the proposal, the Secretary shall prepare the Executive Committee Consent Calendar, noting each nomination to be included, and present the Executive Committee Consent Calendar to the members at an appropriate time during each legislative day.

(d) All nominations included in the Executive Committee Consent Calendar must be read and voted on collectively as a single group.

(e) A nomination may be removed from an Executive Committee Consent Calendar for individual action if a member objects to the inclusion of the nomination.

Rule 35. Special Order of Business.

A subject may, without objection by a member, be made a special order. When the time fixed for the subject's consideration arrives, the Presiding Officer shall lay it before the Senate.

Rule 36. Tributes.

(a) A member is granted the privilege to issue tributes, in the categories or classifications available, at any time during the member's tenure if the procedures prescribed by this rule are followed.

(b) Tributes invoking the entire Senate as a body are to be sequentially numbered by the Secretary and made a part of the permanent record of the Senate.

(c) Each tribute, before becoming an official document of the Senate, must be signed by the sponsor or sponsors, the President Pro Tempore, and the Secretary.

(d) When the Senate is in session under § 4 of Article II of the Delaware Constitution, the President Pro Tempore or the President Pro Tempore's designee shall cause to be read into the permanent record of the Senate, for informational

and archival purposes, on a legislative day, the tributes filed with the Secretary by topical notation along with the name of the chief sponsor of the tribute.

(e) A tribute does not require an official vote; however, at the time the tribute is officially read into the record, a member of the Senate may comment, elaborate, or simply expand on the content of the tribute.

(f) Tributes requested and issued by members of the Senate when the Senate stands in recess or adjournment are to be administratively managed by the Secretary who, in performing the Secretary's duty to compile the Journal, shall cause the tributes to be made a part of the Journal.

VII. Motions, Voting, and Reconsideration.

Rule 37. Motions.

(a) If requested by the Presiding Officer or by a member, a motion must be reduced to writing and must be read before being debated.

(b) A motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

(c) A motion to amend or substitute a title to a bill or resolution to correct typographical errors is in order at any time.

(d) When a question is pending, only the following motions may be made:

(1) To adjourn.

(2) To adjourn to a certain day.

(3) To take a recess.

(4) To proceed to the consideration of executive business.

(5) To lay on the table.

(6) To postpone indefinitely.

(7) To postpone to a certain day.

(8) To commit.

(9) To amend.

(e) The motions listed in subsection (d) of this rule have precedence as listed. A motion to adjourn, to take a recess, to proceed to the consideration of executive business, or to lay on the table must be decided without debate.

Rule 38. Voting.

(a) The passage of a bill, resolution, or amendment is to be decided by a roll call vote.

(b) Unless otherwise required by the Delaware Constitution or the United States Constitution, the passage of a bill, resolution, or amendment requires the concurrence of a majority of all the members elected to the Senate.

(c) During a roll call vote, the names of the members are to be called alphabetically and each member shall, without debate, answer “Yes” or “No” or “Not Voting”.

(d) A member may not vote after the roll call is announced by the Secretary, but a member may change the member’s vote before the roll call is announced.

(e) A member may not be granted privilege of the floor from the time the Secretary has announced the roll call to the time the roll call is declared by the Presiding Officer.

(f) A roll call may not be laid on the table.

Rule 39. Reconsideration.

(a) A motion for reconsideration may be made if the motion is made by a member who voted on the prevailing side of the votes cast and the motion is made within 3 legislative days following the original action. For purposes of this rule, “Not Voting” is considered a “No” vote.

(b) When a motion for reconsideration is granted, there can be no further consideration until the prime sponsor or floor manager rescinds the roll call and takes appropriate action.

Rule 40. Procedure When Bill or Other Matter Sought to be Reconsidered has been Sent to the House of Representatives or the Governor.

(a) When a bill, resolution, report, amendment, order, or message, on which a vote has been taken has gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider must be accompanied by a motion to request the House to return it. The motion to request return may be in the form of a Senate resolution.

(b) When a bill or joint resolution on which a vote has been taken has gone out of the possession of the Senate and been communicated to the Governor, the motion to reconsider must be accompanied by a motion to request the Governor to return it. The motion to request return must be in the form of a Senate concurrent resolution.

(c) A motion to request return must be acted on immediately, and without debate, and, if determined in the negative, is a final disposition of the motion to reconsider.

VIII. Committees.

Rule 41. Standing Committees.

The standing committees are as follows:

(1) Agriculture.

- 793 (2) Banking, Business, Insurance & Technology
- 794 (3) Capital Improvement.
- 795 (4) Corrections & Public Safety.
- 796 (5) Education.
- 797 (6) Elections & Government Affairs.
- 798 (7) Environment, Energy & Transportation.
- 799 (8) Executive.
- 800 (9) Finance.
- 801 (10) Health & Social Services.
- 802 (11) Housing & Land Use.
- 803 (12) Judiciary.
- 804 (13) Labor.
- 805 (14) Legislative Council.
- 806 (15) Legislative Oversight & Sunset.
- 807 (16) Rules & Ethics.
- 808 (17) Veterans Affairs.

809 **Rule 42. Deliberative Standing Committee Process Required.**

810 (a) A bill, resolution, or other legislative matter assigned to a standing committee must pass through a deliberative
811 process before being brought to the floor of the Senate.

812 (b) The deliberative process required by this rule must include preannounced meetings at which the standing
813 committee does all of the following:

814 (1) Allows testimony from the general public, including those affected by the proposed legislation.

815 (2) Considers an analysis of the proposed legislation, including a fiscal note or fee impact statement prepared
816 by the Office of the Controller General.

817 (3) After notice to the sponsor, makes time available for the sponsor to explain the legislation and answer
818 questions from the standing committee.

819 (c) A bill or resolution must be acted on by the appropriate standing committee within 12 legislative days
820 following assignment. A bill or resolution not acted on by or reported out from the appropriate standing committee within
821 12 legislative days following assignment may be petitioned out of committee under Rule 47.

822 **Rule 43. Standing Committee Scheduling.**

(a) Regular standing committee meetings may be held as follows:

(1) From January through May, until 4 p.m. on Wednesdays the Senate is in session.

(2) During June, until 3 p.m. on Wednesdays the Senate is in session.

(3) On dates and at times as permitted by the President Pro Tempore.

(b) The President Pro Tempore shall coordinate with the Secretary to schedule regular standing committee meetings for each standing committee.

(c) Nothing in this rule precludes the Chair of a standing committee from canceling a regular or special meeting or calling additional meetings when necessary.

(d) All committee meetings must be scheduled in a space large enough to accommodate everyone reasonably anticipated to attend, if such space is available. If there are more attempting to attend a committee meeting than the space can accommodate, the Chair of the standing committee shall move the meeting to a different space which is large enough to accommodate those wishing to attend, if such space is available.

Rule 44. Chair's Duties; Vacancy.

(a) The Chair of a standing committee shall preside and have general direction over the committee meeting and shall preserve order and decorum.

(b) If the Chair is absent from a standing committee meeting, the Vice Chair shall preside. If the standing committee does not have an appointed Vice Chair, the Chair shall designate a member of the committee to preside in the Chair's absence.

Rule 45. Standing Committee Meeting Notice and Minutes.

(a) At least 5 days before a meeting, a standing committee must release a Committee Agenda, which must include all matters to be considered by the committee at its next meeting and any other announcements from the committee including the times, places, and dates of future meetings. Nominations are exempt from the 5-day notice requirement.

(b) Minutes must be taken at each formal standing committee meeting, and the results of a committee vote must be recorded. A committee member who dissents from a committee decision may state the member's dissent and reasoning in the minutes. Minutes must be posted to the legislative website.

(c) The Chair of a standing committee may post draft minutes to the legislative website or otherwise share the draft minutes publicly. The Chair shall cause the draft minutes to be identified as "draft minutes". The Chair shall distribute the draft minutes to the members of the standing committee 7 days before the draft minutes are posted on the legislative website or shared publicly.

(d)(1) The Chair of a standing committee shall publish minutes of the standing committee's final committee meeting of a regular session within 30 days of the meeting.

(2) Before publishing the minutes, the Chair shall distribute the minutes to the members of the standing committee and request the members of the standing committee concur in the publishing of the minutes.

a. If a majority of the members of the standing committee concur, the Chair shall publish the minutes. The Chair shall note in the minutes that the minutes were approved by the standing committee.

b. If a majority of the members of the standing committee do not concur, the Chair shall publish draft minutes as provided for under subsection (c) of this section. The Chair shall note in the minutes that the minutes were not approved by the standing committee.

(3) The Chair shall publish the minutes on the legislative website.

Rule 46. Quorum; Signing Backer; Voting.

(a) A quorum is not required to constitute a committee meeting.

(b) For a bill or resolution to be reported out of a standing committee, a majority of the members of the standing committee must sign the backer of the bill or resolution. A member may indicate the member's position on the bill or resolution as favorable, on its merits, or unfavorable, all of which count towards the required number of signatures for reporting the bill or resolution out of the committee.

(c) If a standing committee member is unable to attend a preannounced committee meeting, the member may subsequently affix the member's signature to legislation considered at the meeting.

(d) The Chair of a standing committee shall release a bill or resolution when a majority of the members of the committee sign the backer of the bill or resolution.

(e) The Chair shall return the bill or resolution to the Secretary no later than 1 legislative day after a majority of the members of the committee sign the backer of the bill or resolution.

(f) A vote taken by a standing committee requires a majority of the members of the committee for passage.

Rule 47. Petition Out of Committee.

On written request signed by the majority of the members elected to the Senate and directed to the Presiding Officer, a bill, resolution, or other business that has been in a committee for a period exceeding 12 legislative days, except those assigned to the Capital Improvement or Finance Committees, must be reported to the Senate.

Rule 48. Application of Rules to Committees.

These rules apply to the conduct of a committee created under Rule 12, so far as may be applicable.

IX. AMENDMENT, SUSPENSION, AND PRINTING OF THE RULES.

882 **Rule 49. Change Or Suspension of Rules.**

883 A rule of the Senate may be changed or suspended with the concurrence of a majority of all the members elected
884 to the Senate.

885 **Rule 50. Rules of Order.**

886 All questions of parliamentary procedure not covered or provided for by the Rules of the Senate or the
887 Constitution of the State of Delaware are to be decided in accordance with Mason's Manual of Legislative Procedure.

888 **Rule 51. Printing of Rules.**

889 These rules are to be printed by the Division of Research, on adoption, in a pocket-sized edition which is to
890 contain all of the following:

- 891 (1) A list of the officers of the Senate.
- 892 (2) The membership of the standing committees of the Senate.
- 893 (3) The constitutional vote requirements for passage of legislation.
- 894 (4) Requirements set forth elsewhere directly relating to Senate action, such as the fiscal note requirement.
- 895 (5) A table of contents for these rules.

896 **X. Virtual Meetings.**

897 **Rule 52. Signing of Documents During Virtual Meetings**

898 If a Senate standing committee is meeting under Rule 53, or the General Assembly adopts rules of procedure for
899 conducting virtual meetings during an emergency and the President Pro Tempore and Speaker of the House of
900 Representatives authorize the Senate to convene and conduct a virtual meeting due to an emergency under those rules of
901 procedure, the following apply:

902 (1)a. A member may authorize, in writing or electronically, the Chair of a standing committee to which the
903 member is appointed to convey all of the following to the Secretary:

904 1. The member's desire to sign the backer of a bill or resolution the member desires reported out of
905 the standing committee.

906 2. The member's position on the bill or resolution to be reported out of the standing committee,
907 whether favorable, on its merits, or unfavorable.

908 b. The Chair of the standing committee shall collect the authorizations made under paragraph (1)a. of this
909 rule and provide a verification of the information to the Secretary.

910 c. The Secretary shall make the authorized notations on the backer and maintain a record of the
911 information provided under paragraph (1)b. of this rule.

(2) A member may authorize, in writing or electronically, the Secretary to affix the member's signature to a document required to be signed by the member under these rules. The Secretary shall maintain a record of authorizations made under this paragraph (2).

Rule 53. Virtual Meetings of a Senate Committee.

(a) As used in this rule:

(1) "Anchor location" means the physical location within this State that is open to the public and at which 1 or more members of a Senate committee attend a virtual meeting.

(2) "Chair" means an individual who presides over and maintains order and decorum of a Senate committee.

(3) "Senate committee" means 1 of the following:

a. A standing committee of the Senate.

b. A task force or similar entity created by resolution of the General Assembly.

c. An entity within the Senate created by an act of the Senate.

(4) "Remote participation" means taking part in a Senate committee meeting as though physically present at the meeting.

(5) "Virtual meeting" means a meeting that meets the requirements under subsection (c) of this rule.

(b) The President Pro Tempore may issue an order authorizing a Senate committee to hold a virtual meeting with or without an anchor location. If the President Pro Tempore authorizes a Senate committee to hold a virtual meeting, the President Pro Tempore must file the order with the Secretary. The President Pro Tempore must specify in the order if the virtual meeting allows the remote participation of Senate committee members, witnesses, or Senate committee members and witnesses.

(c) If an authorization under subsection (b) of this rule is issued, the chair of a Senate committee may hold a meeting of the Senate committee at which a member or witness participates through the use of any means of communication by which all of the following occur:

(1) The identity of a member or witness is verified, and the actions of a member are authenticated, in a manner satisfactory to the chair.

(2) During the meeting, all participating Senate committee members and witnesses simultaneously hear or read the comments of each member or witness who is recognized by the chair.

(3) A document that is used during the meeting by a Senate committee member and witness and that is accepted by the chair is immediately transmitted to each member or witness participating in the meeting.

(4) Except as provided under subsection (d) of this rule, the public is able to do the following:

- 942 a. Contemporaneously access materials presented at the meeting.
- 943 b. Monitor the proceedings.
- 944 c. Provide public comment, if the Senate committee is required to accept, or provides an opportunity for,
- 945 public comment.
- 946 d. Review a recording of the meeting within a reasonable time after the meeting concludes.

947 (d)(1) Paragraph (c)(4) of this rule does not apply if the Senate committee has voted to close the meeting to the

948 public as otherwise permitted by these rules or other law of this State.

949 (2) A technological failure that prevents, or a technological limitation that limits, public access otherwise

950 required under paragraph (c)(4) of this rule does not invalidate a virtual meeting or an action taken at a virtual meeting.

951 (e) All actions taken during a virtual meeting have the same legal effect as if the Senate committee members were

952 physically present at the same physical location.

953 (f) For the purposes of determining quorum for a Senate committee meeting, a Senate committee member

954 participating in a virtual meeting at a location other than an anchor location is considered present as if the member were

955 physically present at the meeting.

956 (g) For the purposes of voting during a meeting of a Senate committee, a Senate committee member participating

957 in a virtual meeting at a location other than an anchor location is able to vote as if the member were physically present at

958 the meeting.

959 (h) The chair shall cause a Senate committee member or witness participating in a virtual meeting at a location

960 other than an anchor location to be muted on entry into the meeting.

961 (i)(1) To be recognized to speak by the chair, a Senate committee member or witness participating in a virtual

962 meeting at a location other than an anchor location shall use a technological function that enables the member or witness to

963 be recognized. If a technological failure occurs, the chair may adopt an alternative method for the member or witness to be

964 recognized.

965 (2) The chair shall cause the member or witness recognized to speak to be unmuted.

966 (3) On being recognized to speak, the recognized member or witness shall state their name each time before

967 addressing the virtual meeting.

968 (j) Attendance at a virtual meeting must be taken by roll call.

969 (k) The chair shall interpret and apply all rules of the Senate that presume or require the physical presence or act of

970 members or witnesses in such a manner to accomplish the same purposes for which the rules were adopted.

971 **Rule 54. Remote Participation in a Senate Session by a Member or Witness.**

972 (a) As used in this rule, “participate remotely” means to take part in a Senate session as though physically present
973 at the Senate session.

974 (b) If the Senate is not meeting under rules of procedure adopted by the General Assembly for conducting virtual
975 meetings during an emergency, the President Pro Tempore may authorize a member or witness to participate remotely in a
976 Senate session.

977 (c) The President Pro Tempore may authorize a member to participate remotely if a quorum of the Senate meets in
978 a location established under § 5 of Article II of the Delaware Constitution.

979 (d) If a member desires to participate remotely or to have a witness for the member participate remotely, the
980 member shall submit a written request to the President Pro Tempore not later than noon on the session day for which the
981 member desires to participate remotely or to have a witness for the member participate remotely. The member shall include
982 in the request the reason for the request. The President Pro Tempore shall provide a written response approving or denying
983 the request.

984 (e) If the President Pro Tempore authorizes a member or witness to participate remotely in a Senate session, the
985 President Pro Tempore shall file the authorization with the Secretary.

986 (f) If an authorization under subsection (b) of this rule is issued, a member or witness authorized to participate
987 remotely in a Senate session may participate through the use of any means of communication by which all of the following
988 occur:

989 (1) The identity of a member or witness participating remotely is verified, and the actions of a member
990 participating remotely are authenticated, in a manner satisfactory to the presiding officer.

991 (2) During the meeting, all participating members or witnesses simultaneously hear or read the comments of
992 each member or witness who is recognized by the presiding officer.

993 (g) All actions taken by a member participating remotely in a Senate session have the same legal effect as if the
994 member was physically present.

995 (h) For the purposes of determining quorum for a Senate session, a member participating remotely is considered
996 present as if the member were physically present.

997 (i) For the purposes of voting during a Senate session, a member participating remotely is able to vote as if the
998 member were physically present.

999 (j) The presiding officer shall cause a member or witness participating remotely to be muted on entry into the
1000 meeting.

(k)(1) To be recognized to speak by the presiding officer, a member or witness participating remotely shall use a technological function that enables the member or witness to be recognized. If a technological failure occurs, the presiding officer may adopt an alternative method for the member or witness to be recognized.

(2) The presiding officer shall cause the member or witness recognized to speak to be unmuted.

(3) On being recognized to speak, the recognized member or witness shall state their name each time before addressing the virtual meeting.

(l) The presiding officer shall interpret and apply all rules of the Senate that presume or require the physical presence or act of members or witnesses in such a manner to accomplish the same purposes for which the rules were adopted.

XI. Miscellaneous Rules.

Rule 55. Election and Qualification of Members.

The Senate is the sole judge of the election of its members. A contest for a seat in the Senate is to be referred to the Rules & Ethics Committee to take testimony and report the facts and evidence to the Senate.

Rule 56. Supervision of Staff.

The President Pro Tempore shall determine how officers, attachés, and employees of the Senate are to be supervised in the performance of the duties of their respective offices.

Rule 57. Privilege of the Floor.

(a) Except for the following, an individual who is not a member of the Senate may not be granted the privilege of the floor, or be seated, stand, or allowed to proceed in that area in front of the rear line of the last row of members' seats from the rostrum, to the left of the right line of the farthest right row of members' seats, as facing the rostrum, and to the right of the left line of the farthest left row of members' seats as facing the rostrum, while the Senate is in session:

(1) The Governor of the State.

(2) The Secretary of State of the State.

(3) Former Governors of the State.

(4) Former Lieutenant Governors of the State.

(5) Former Members of the General Assembly.

(6) Members of the Congress of the United States.

(7) Former Members of the Congress of the United States.

(8) Members of the House of Representatives of the State.

(9) Attorneys, Officers, and Employees of the Senate.

(10) Attorneys, Officers, and Employees of the House of Representatives of the State.

(11) The staff of the Division of Research and the Office of the Controller General.

(b) Notwithstanding subsection (a) of this rule, an individual may be granted the privilege of the floor, or of being seated or to stand in front of the rear line of the last row of member seats as indicated under subsection (a) of this rule, by and with the consent of the Senate.

Rule 58. News Media.

(a) Members of the press who wish to access space assigned for the press in the Senate Chamber or record audio or video before, during, or after a legislative session must be credentialed under the Legislative Hall Media Credentialing Policy adopted by Legislative Council.

(b) The President Pro Tempore shall provide space in the Senate Chamber for members of the press credentialed under the Legislative Hall Media Credentialing Policy adopted by Legislative Council.

Rule 59. Application of Freedom of Information Act.

(a) All members and staff of the Senate shall adhere to and comply with the requirements of Delaware's Freedom of Information Act, Chapter 100 of Title 29 of the Delaware Code, relating to the examination and copying of public records under § 10003 of Title 29 of the Delaware Code and open meetings under § 10004 of Title 29 of the Delaware Code, to the extent that the requirements apply to the Senate and do not otherwise conflict with these rules.

(b) Section 10006A of Title 29 of the Delaware Code does not apply to the Senate. The Senate's ability to hold virtual meetings or permit remote participation by members or witnesses is governed by Rules 53 and 54 and any rules of procedure adopted by the General Assembly for conducting virtual meetings during an emergency.

Rule 60. Power of Subpoena; Administration of Oaths or Affirmations; Penalties for Noncompliance.

(a)(1) The Senate may require the attendance of a person or production of documents by a person by subpoena issued under this rule by a majority vote of its members. The President Pro Tempore shall sign, and the Secretary shall attest, a subpoena issued under this paragraph (a)(1).

(2) The Chair of a standing or special committee of the Senate or a task force or similar entity created by the Senate or action of the General Assembly may require the attendance of a person or production of documents by a person by subpoena. To be valid, the President Pro Tempore must sign, and the Secretary must attest, a subpoena issued under this paragraph (a)(2).

(b) A subpoena issued under this rule must be in writing.

(c) A member of the Senate may administer oaths or affirmations to witnesses in connection with a hearing or investigation conducted by the Senate or a committee to which the member is appointed.

(d) Whoever having been summoned as provided in subsection (a) of this rule willfully makes default or whoever, having appeared, refuses to answer any question pertinent to the question under inquiry or whoever having possession of records required in a subpoena fails to produce the same is to be fined not more than \$1,000, or imprisoned not more than 12 months, or both.

(e) Nothing in this section is to be construed as a waiver by the Senate of its inherent right to issue subpoenas and to punish for contempt of the Senate without the intervention of a court.

Rule 61. State Mail, E-Mail, Postage, and Mailing Production or Distribution Limitations.

(a) A member or staff member of the Senate may not use state mail services or state-paid for postage for the member's or employee's own personal use.

(b) A member or staff member of the Senate may not use state funds, state materials, or state equipment to do any of the following:

(1) Distribute 50 or more pieces of substantially identical material during the period beginning 60 days before the date of the general election or the period beginning 30 days before the date of a special election or a primary involving the member.

(2) Distribute 50 or more substantially identical e-mails during the period beginning 14 days before the date of the general election or the period beginning 14 days before the date of a special election or a primary involving the member.

(c) Subsection (b) of this rule does not apply to the following, when not done for a political election campaign purpose:

(1) Answers to communications.

(2) Actions taken under a specific law, resolution, or regulation that authorizes or directs the action to be taken.

(3) E-mails sent to address an urgent community need or issue, with the approval of the President Pro Tempore.

SYNOPSIS

This Resolution enacts the Rules of the Senate for the 152nd General Assembly until further action of the Senate.

Author: Senator Sokola