



SPONSOR: Sen. McBride
Sens. Henry, Poore

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE RESOLUTION NO. 2

RELATING TO THE RULES OF THE DELAWARE STATE SENATE.

1 BE IT RESOLVED by the Senate of the 149th General Assembly that the Rules of the Senate shall, until further
2 action of the Senate, be as follows:

3 RULE 1. ORDER OF BUSINESS.

4 (1) Calling of the Senate to Order.

5 (2) Prayer.

6 (3) Salute to Flag.

7 (4) Roll Call.

8 (5) Reading of Journal.

9 (6) Presentation of petitions, memorials, or communications.

10 (7) Reports from Standing and Special Committees.

11 (8) Reporting by the Secretary of prior filed bills, resolutions, and citations.

12 (9) Introductions of all other bills and resolutions by members.

13 (10) Agenda for the day.

14 (11) Miscellaneous business.

15 RULE 2. CONVENING OF SENATE.

16 Unless otherwise ordered by the concurrence of a majority of all the members elected to the Senate, the Senate
17 will convene Tuesday at 2 p.m.; Wednesday at 4 p.m., to allow for committee meetings; and Thursday at 2 p.m. During the
18 month of June, the Wednesday convening of the Senate will occur at 3 p.m. All proceedings of the Senate shall be public.

19 RULE 3. ATTENDANCE OF MEMBERS.

20 (a) Every member shall be in their place at the time to which the Senate stands recessed.

21 (b) No member may absent themselves from the service of the Senate without notifying the President Pro
22 Tempore.

23 RULE 4. ROLL CALL; READING OF JOURNAL.

24 Each legislative day and before the Senate proceeds to the consideration of any business, the Secretary shall call
25 the names of the members in alphabetical order, and shall then read the Journal of the preceding legislative day, which shall

be approved or corrected by order of the Senate. The Secretary shall post the results of each roll call after the conclusion of the legislative day in which the roll call was taken.

RULE 5. CONTENTS OF JOURNAL.

The proceedings of the Senate shall be briefly and accurately stated in the Journal, which shall include messages to the Governor in full; the titles of all bills and resolutions; every motion with the name of the member making the same, except motions for adjournment; and the names of the members voting on all roll calls.

RULE 6. PRESENTATION OF PETITIONS, MEMORIALS, OR COMMUNICATIONS TO THE SENATE.

(a) After the Journal is read, the Presiding Officer shall lay before the Senate communications or 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 or a member, the contents thereof shall 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 Journal is 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 thereof, the members of the Senate shall stand if so directed by the Presiding Officer.

RULE 7. DELIVERY OF MESSAGES FROM THE SENATE; DUTIES OF SECRETARY.

Messages shall be delivered to the House of Representatives by the Secretary, or by a member or other officer of the Senate directed by the Presiding Officer. Prior to delivery, the Secretary shall certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House or in which its concurrence may be requested. The Secretary shall also certify and deliver to the Governor all resolutions and other communications which may be directed to the Secretary by the Senate.

RULE 8. PREPARATION OF BILLS AND RESOLUTIONS.

(a) No bill or resolution shall be received by the Senate unless it is prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations, and be produced in such a manner as shall be approved by the State Archivist and Director of Legislative Council. At the end of each bill, joint resolution, or amendment there shall be placed the name of the author or Department who was responsible for writing the bill, joint resolution, or amendment and a brief synopsis of the

58 intent of the bill, joint resolution, or amendment. In the lower left hand corner of page one there shall be the initials of the
59 unit preparing the bill or resolution, the initials of the author and the typist, and, if prepared by automatic equipment, the
60 identification number. Each bill or resolution shall have an appropriate enacting or resolving clause. The first name listed
61 after the word "sponsor" on the first page of a bill or resolution shall be the "prime" sponsor. Once a bill or resolution has
62 been pre-filed or introduced, the addition or deletion of a sponsor shall not cause the bill or resolution to be reprinted. The
63 change in sponsorship shall be noted in the calendar, on the jacket of the original bill or resolution, and on the first page of
64 the original bill or resolution.

65 (b) Every bill or resolution introduced in the Senate which establishes a committee, commission, task force, or
66 similar body, either for a specified period of time or on a permanent statutory basis, shall, if applicable, require that the
67 following functional details be incorporated in the bill or resolution:

68 (1) The date on which the report is due.

69 (2) To whom the report is to be presented.

70 (3) The appointing authority or authorities.

71 (4) The designation of a temporary chair to enable the committee to commence its duties. In drafting
72 legislation affecting the Delaware Code, the designation of a temporary chair does not need to be made part of the
73 Delaware Code.

74 (c) Every bill or resolution to which the concurrence of both Houses of the General Assembly may be necessary
75 shall be introduced with one original and one backed copy. The original shall at all times remain in the custody of the Chair
76 of the committee to which it was referred, or of the Secretary of the Senate; and one backed copy shall be delivered to the
77 Legislative Council. In addition, every member shall be provided with an unbacked copy of the text of the bill or resolution.

78 (d) The master used to produce the bill or resolution together with a minimum 160 true copies of the bill or
79 resolution shall be made available to the Legislative Council immediately after the introduction of a bill or resolution.

80 (e) All bills for the amendment of any statutes contained in the Delaware Code of 1974 shall be made with
81 reference to the statutes or parts of statutes contained in the Code, and shall conform to the arrangement of the Code.

82 RULE 9. PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS.

83 (a) Unless the bill or joint resolution has been placed upon a President Pro Tempore's pre-filed list, every bill and
84 joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper
85 committee.

86 (b) No bill or joint resolution shall be considered on the same day it is reported out of committee or in the absence
87 of the prime sponsor who introduced it, unless by his or her written consent. After any bill has reached its order of
88 preference on the agenda, it 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 of the Senate. In the event of such removal, no bill shall again be placed on the agenda for the same or the next legislative day.

(c) When considered, each bill or resolution shall be given its final reading by title only, unless any member requests a reading in full.

(d) An agenda of bills to be considered on the succeeding legislative day shall be kept by the Secretary of the Senate; announced at the end of each calendar day; and published each day, with a copy thereof distributed to each member. Any bill placed upon the agenda by the prime sponsor of a Senate Bill or floor manager of a House Bill, without otherwise limiting the right of any member to put a bill upon its passage, stands in the same order of preference for consideration by the Senate unless otherwise ordered by it.

(e) Every bill or resolution shall be introduced by a member or group of members or by order of the Senate or by report of a committee. Introduction may be by any of the following methods:

(1) Filing of Bills and Resolutions with the Secretary of the Senate.

a. A bill or resolution may be introduced by being filed with the Secretary of the Senate at any time while the General Assembly is meeting.

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

c. As soon as may be practicable following the filing of a bill or resolution with the Secretary, unless the bill or resolution was placed upon a President Pro Tempore's pre-filed list, the Reading Clerk shall read the bill or resolution number and title of all bills filed with the Secretary and entered upon the docket prior to the convening of the Senate which have not been previously read.

d. Such reading of the bill or resolution by the Reading Clerk shall constitute the first reading of such bill or resolution.

e. Upon such first reading, or upon placement upon the President Pro Tempore's pre-filed list, copies of the bill, resolution, or amendment shall be distributed as provided in Rule 8.

(2) Introduction from the Floor.

A bill or resolution may also be introduced from the floor while the Senate is in session.

(3) President Pro Tempore's Pre-Filed List.

A bill or resolution filed with the Secretary may, in the discretion of the President Pro Tempore, be placed upon the "President Pro Tempore's pre-filed list" and the bill or resolution shall at such time be assigned to a committee by the President Pro Tempore. Copies of the President Pro Tempore's pre-filed list shall be distributed to members prior to its reading by the Reading Clerk. The President Pro Tempore's pre-filed list shall be read as soon as practicable by the Reading Clerk.

(f) No bill that has been tabled shall be lifted from the table for further consideration until such bill is first placed upon the agenda, unless such bill is lifted for further consideration on the same legislative day the bill was tabled.

(g) No Senate bill returning from the House shall be acted on by the Senate unless the bill is first placed on the agenda.

RULE 10. MOTIONS.

(a) All motions shall be reduced to writing, if desired by the Presiding Officer or by any member, and shall be read before being debated.

(b) Any 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 shall be in order at any time to amend or substitute a title to any bill or resolution only in order to correct typographical errors.

(d) When a question is pending, no motions shall be received, except any of the following:

(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 shall 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 shall be decided without debate.

RULE 11. VOTING.

Every bill, resolution, or amendment shall be decided by a roll call vote and shall require the concurrence of a majority of all the members elected to the Senate for adoption, unless otherwise required by the Delaware Constitution of 1897, as amended, or the United States Constitution. The names of the members shall be called alphabetically and each member shall, without debate, answer "Yes" or "No" or "Not Voting". No member shall be permitted to vote after the roll call has been announced by the Secretary, but a member may change their vote prior to said announcement. No member shall 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 of the Senate. Tabling of roll calls is prohibited.

152 RULE 12. RECONSIDERATION.

153 Any motion for reconsideration must be made by a member of the prevailing side within 3 legislative days
154 following the original action. When a motion for reconsideration is granted, there can be no further consideration until the
155 sponsor or floor manager rescinds the roll call and takes appropriate action.

156 RULE 13. PROCEDURE WHEN BILL OR OTHER MATTER SOUGHT TO BE RECONSIDERED HAS BEEN
157 SENT TO THE HOUSE OF REPRESENTATIVES OR TO THE GOVERNOR.

158 When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken has gone out of
159 the possession of the Senate and been communicated to the House of Representatives or to the Governor, the motion to
160 reconsider shall be accompanied by a motion to request the House or Governor to return it. The motion to request return
161 shall be acted upon immediately, and without debate, and, if determined in the negative, shall be a final disposition of the
162 motion to reconsider.

163 RULE 14. QUESTION OF ORDER.

164 A question of order may be raised at any stage of the proceedings and, unless submitted to the Senate, shall be
165 decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any
166 subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer
167 without debate; any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be
168 held as affirming the decision of the Presiding Officer. The Presiding Officer may submit any question of order for the
169 decision of the Senate.

170 RULE 15. SPECIAL ORDER OF BUSINESS.

171 Any subject may, without objection by any member elected to the Senate, be made a special order; when the time
172 so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate.

173 RULE 16. PETITION OUT OF COMMITTEE.

174 Upon written request signed by the majority of the members elected to the Senate and directed to the Presiding
175 Officer, any bill, joint resolution, or other business that has been in a committee for a period exceeding 12 legislative days,
176 except those assigned to the Bond Bill or Finance Committees, shall be reported to the Senate.

177 RULE 17. CONDUCT.

178 (a) When a member desires to speak, the member shall rise and address the Presiding Officer, and shall not
179 proceed until recognized. The Presiding Officer shall recognize the member who shall first address him or her.

180 (b) No member shall interrupt another in debate without his or her consent, and to obtain such consent the member
181 shall first address the Presiding Office. No member shall speak more than 3 times upon any 1 question in debate on the
182 same day without leave of the Senate, which shall be determined without debate.

(c) No member in debate shall, directly, or indirectly by any form of words, impute to any member or to other members any conduct or motive unworthy or unbecoming a member.

(d) 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 shall be called to order, the member shall sit down and not proceed without leave of the Senate, which, if granted, shall be upon motion that the member be allowed to proceed in order, which motion shall be determined without debate.

(e) If any person who is not a member of the Senate shall be granted the privilege of the floor for the purpose of addressing the Senate, such person and the members of the Senate shall then accord each other the same courtesies and respect that is required among members of the Senate.

(f) Any person on the chamber floor or in the balcony who is not a member of the Senate and who refuses to salute the American flag at the time such ceremony occurs shall leave the chamber floor or balcony.

RULE 18. APPOINTMENT OF COMMITTEES.

The President Pro Tempore shall appoint all committees; however, the President Pro Tempore, at the Pro Tempore's own initiative or upon order of the Senate, may appoint special or select committees.

RULE 19. STANDING COMMITTEES.

The following standing committees shall be appointed, to whom business appropriate to them shall be referred:

- (1) Agriculture.
- (2) Banking, Business, & Insurance.
- (3) Capital Improvement.
- (4) Corrections & Public Safety.
- (5) Education.
- (6) Environmental, Natural Resources, & Energy.
- (7) Elections & Government Affairs.
- (8) Executive.
- (9) Finance.
- (10) Health, Children, & Social Services.
- (11) Judicial & Community Affairs.
- (12) Labor.
- (13) Legislative Council.
- (14) Rules & Ethics.
- (15) Sunset.
- (16) Transportation.

215 RULE 20. DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES.

216 (a) Each bill, resolution, or other legislative matter assigned to a standing committee shall pass through a
217 deliberative process before being brought to the floor of the Senate. Such deliberative process shall include pre-announced
218 meetings whereby the committee receives testimony from the general public, including those affected by the proposed
219 legislation; considers an analysis of the proposed legislation; and, by notice to the sponsor, makes time available for each
220 formal sponsor to explain the legislation and answer possible committee questions. All bills and resolutions shall be acted
221 upon by the appropriate committee within 12 legislative days following assignment. All bills and resolutions not acted upon
222 by the appropriate committee within 12 legislative days following assignment may be petitioned out of committee pursuant
223 to Rule 16.

224 (b) Regular standing committee meetings may be held every Wednesday until 4 p.m. from January to May or until
225 3 p.m. during the month of June. The scheduling of regular standing committee meetings shall be coordinated with the
226 Secretary of the Senate. The Chair of a standing committee may call other meetings as deemed necessary.

227 (c) At least 5 calendar days before a meeting, each standing committee shall release a Committee Agenda which
228 shall include, among other things, all matters to be considered by the committee at its next meeting and any other
229 announcements from the committee including the times, places, and dates of future meetings. Nominations may be
230 exempted from the 5 calendar day notice requirement.

231 (d) Minutes shall be taken at each formal standing committee meeting, and the results of any committee votes shall
232 be recorded. Committee members who dissent from any committee decision shall be permitted, in the minutes, to state such
233 dissent and the reasons therefore.

234 (e) A quorum is not required to constitute a committee meeting. Committee members unable to attend
235 preannounced meetings may subsequently affix their signatures to legislation considered at such meetings.

236 (f) Nothing in this rule shall preclude the option of a committee chair to cancel a regular or special meeting or call
237 additional meetings when necessary.

238 (g) All committee meetings shall be scheduled in a space large enough to accommodate everyone reasonably
239 anticipated to attend, if such space is available. If there are more attempting to attend a committee meeting than there is
240 room for, the Chair shall move the meeting to a different space which is large enough to accommodate those wishing to
241 attend, if such space is available.

242 (h) No committee chair shall decline to release a bill that receives a favorable vote by a majority of the members of
243 the committee.

244 RULE 21. CONTESTS.

245 Any contest for a seat in this body shall be referred to the Leadership.

RULE 22. UNDER THE LEADERSHIP, SUPERVISION OF ATTACHÉS.

The officers, attachés, and employees of the Senate shall be under the supervision of the Leadership in the performance of the duties of their respective offices.

RULE 23. PRIVILEGE OF THE FLOOR.

(a) No person who is not a member of the Senate shall 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, except:

(1) The Governor of the State.

(2) The Secretary 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 Legislative Council.

(b) Notwithstanding anything contained in subsection (a) of this rule, any other person 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 aforesaid, by and with the consent of this body.

RULE 24. CHANGE OR SUSPENSION OF RULES.

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

RULE 25. RULES OF ORDER.

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

RULE 26. NEWS MEDIA.

Members of the press, with permission of the President Pro Tempore, may use personal recording devices in the Senate Chamber during live session of that body.

277 RULE 27. CONSENT CALENDAR.

278 (a) Any member of the Senate may propose any Senate Resolution, Senate Concurrent Resolution, or House
279 Concurrent Resolution for inclusion on a Consent Calendar for the purpose of a final reading; provided that no amendment
280 to the resolution is proposed.

281 (b) Any proposal by a member of the Senate for inclusion of a Senate Resolution, Senate Concurrent Resolution,
282 or House Concurrent Resolution on a Consent Calendar shall be made to the Secretary of the Senate.

283 (c) Upon receipt of a proposal for inclusion the Secretary of the Senate shall prepare the Consent Calendar noting
284 each inclusion thereon and present the Consent Calendar to the membership at an appropriate time during each legislative
285 day.

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

287 (e) Any resolution may be removed from the Consent Calendar for individual action if objection is made to its
288 inclusion by any member.

289 RULE 28. EXECUTIVE COMMITTEE CONSENT CALENDAR.

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

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

295 (c) Upon receipt of the proposal, the Secretary of the Senate shall prepare the Executive Committee Consent
296 Calendar, noting each nomination to be included, and present the Executive Committee Consent Calendar to the
297 membership at an appropriate time during each legislative day.

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

300 (e) Any nomination may be removed from an Executive Committee Consent Calendar for individual action if an
301 objection is made to a nominee's inclusion by any member.

302 RULE 29. CITATIONS.

303 Every member of the Senate shall be granted the privilege to issue citations, in the categories or classifications
304 available, at anytime during his or her tenure; provided, however, the procedures herein prescribed are adhered to.
305 Citations, unlike resolutions which are highly detailed, invoking the entire Delaware State Senate as a body shall be
306 sequentially numbered by the Secretary of the Senate and made a part of the permanent record of the Senate. Each citation,
307 before becoming an official document of the Senate, shall be signed by the sponsor or sponsors, the President Pro Tempore
308 of the Senate, and the Secretary of the Senate. When the Senate is in session pursuant to Article II, Section 4 of the

309 Delaware Constitution of 1897, as amended, the President Pro Tempore or the President Pro Tempore's designee shall
310 cause to be read into the permanent record of the Senate, for informational and archival purposes, on a legislative day, such
311 citations as have been filed with the Secretary of the Senate, by topical notation along with the name of the chief sponsor
312 thereof. Such citations shall not require an official vote; however, at the time such citations are officially read into the
313 record, any member of the Senate may comment, elaborate, or simply expand on the content of the citation. Citations
314 requested and issued by members of the Senate when the Senate stands in recess or adjournment shall be administratively
315 managed by the Secretary of the Senate who, in performing his or her duty to compile the Journal, shall cause such citations
316 to be made a part of the Journal.