SPONSOR: Rep. Smith
& Rep. Welch

HOUSE OF REPRESENTATIVES

140th GENERAL ASSEMBLY

HOUSE RESOLUTION NO.

RELATING TO PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES OF THE 140TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT RESOLVED by the House of Representatives of the 140th General Assembly of the State of Delaware that the Permanent Rules of the House of Representatives shall be as follows:

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I. RULES OF ORDER

RULE 1 - CONVENING OF HOUSE

The House of Representatives shall meet every Tuesday, Wednesday and Thursday at 2:00 P.M., unless otherwise ordered. The Speaker or his designee shall take the chair at that time and shall call the House to order. At the beginning of each legislative day, the Speaker or his designee shall cause the names of the members to be called in alphabetical order. If a quorum is present, he shall proceed with the opening prayer, the pledge to the flag, and the business of the day.

RULE 2 - ORDER OF BUSINESS

(a) After the convening of the House, the order of business shall include the following:

(1) The minutes of the previous day shall be made public and posted by the Chief Clerk prior to the next legislative day. With the consent of a majority of members, the reading of the minutes for the previous day may be omitted.

(2) Presentation of petitions, memorials, tributes, memoriams, citations or communications.

(3) Reports from standing and special committees.

(4) Introduction and first reading of bills and resolutions.

(5) Consideration of agenda.

(6) Consent calendar, or consent agenda, when available.

(7) Announcement of committee meetings.

(8) Announcement of agenda for next legislative day.

(b) The order of business may be changed when necessary by the Speaker unless a majority of the members present object.

RULE 3 - MESSAGES

Messages from the Senate or from the Governor may be received at any time except when the roll is being called.

II. DUTIES OF THE SPEAKER

RULE 4 - ORDER AND DECORUM

(a) The Speaker shall preside and have general direction over the House Chamber, and shall preserve order and decorum. In debate, the Speaker shall confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker, or when the Speaker grants open debate between members.

(b) Cameras, recording instruments, and similar equipment or electronic devices are permitted in the House Chamber only with the permission of the Speaker.

RULE 5 - QUESTIONS OF ORDER; APPEAL

The Speaker shall decide all questions of order. An appeal from his decision may be made by any member, if properly seconded.

The appeal shall be upheld only upon the affirmative vote of a majority of the elected members. The Speaker shall not vote on any such appeal.

RULE 6 - TEMPORARY PRESIDING OFFICER

(a) The Speaker may appoint a member to serve as the Presiding Officer to perform the duties of Speaker; but such appointment shall not extend beyond an adjournment or recess except when the Speaker takes a leave of absence, in which case the Senior Member of the majority party of the House shall act as the Speaker pro tempore during such leave. The Presiding Officer shall not have authority to reassign any measure to a committee unless specifically required to do so by Rule 20, the Speaker has taken a leave of absence or pursuant to the direction of the Speaker.

(b) When neither the elected Speaker nor the appointed Presiding Officer nor the Speaker pro tempore is present, the House shall be called to order and presided over by the Senior Member of the majority party. The Senior Member shall serve in the interim as the Presiding Officer. The Senior Member is the member who has served in the House the longest current consecutive

period of time. In the event more than one member has served the same length of time, the member originally sworn first shall be the Senior Member. If two or more members were sworn in at the same time, then of those two or more members the member whose name would appear first in alphabetical order shall be the Senior Member.

RULE 7 - SIGNING OF BILLS, RESOLUTIONS, AND OTHER DOCUMENTS

The Speaker shall sign all bills and resolutions passed by the House. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the presiding officer or Speaker pro tempore shall have authority to sign such documents.

RULE 8 - APPOINTMENT OF COMMITTEES

(a) The Speaker shall appoint all committees and subcommittees.

(b) Where illness, stated conflict of interest, or other sufficient cause shall compel the absence or non-participation of any committee member, the Speaker, in his discretion, may fill such vacancy from the same political party as the absent or non-participating member, during said absence or period of non-participation.

RULE 9 - ASSIGNMENT OF BILLS AND RESOLUTIONS TO COMMITTEE

The Speaker shall determine the principal objective of a bill or resolution and, subject to the provisions of Rule 20, assign the same to the appropriate committee. All prefiled measures shall be pre-assigned to committees by the Speaker and each member notified in writing of assignments, unless the measure is introduced from the floor, in which case the Speaker shall at that time announce the committee to which the measure is assigned.

RULE 10 - SETTING THE AGENDA

The Speaker sets the Agenda and may place an item on the Agenda only if the item is on the Ready List and has been requested to be placed on the Agenda by the prime House sponsor or floor manager. The Ready List shall consist of all items that have been reported out of committee or have been laid on the table.

RULE 11 - SUBPOENA ISSUANCE

The Speaker may sign a subpoena if requested by a majority vote of a standing committee, a special committee, a joint committee, a task force, or any similar entity if the committee, task force or entity was created by the House of Representatives or

an action of the General Assembly. No subpoena shall be issued unless it is first signed by the Speaker. Upon the majority vote of all members elected to the House a subpoena shall be signed and issued by the Speaker, presiding officer or Speaker pro tempore

III. RIGHTS AND DUTIES OF MEMBERS.

RULE 12- ATTENDANCE OF MEMBERS

(a) No member shall knowingly absent himself or herself from any session of the House without notifying the Speaker that he or she is unable to attend. A member who is absent without notifying the Speaker may be considered in contempt, and may be subject to the censure of the House.

(b) Each member shall answer each roll call from his or her assigned seat in the chamber.

RULE 13- QUORUM

Twenty-one members of the House shall constitute a quorum. The House shall not convene without a quorum. In the absence of a quorum, the Sergeant-at-Arms shall notify those members who are absent from the Chamber, but not from Legislative Hall, that

their presence is required. Upon receiving the notification, the absentee members shall report to the House Chamber. After a proper interval for such notifications, the Speaker shall order a roll call of the House to ascertain if a quorum is present.

RULE 14 - ADDRESSING THE HOUSE

(a) When a member wishes to speak, such member shall rise but shall not proceed to speak until recognized by the Speaker.

Upon acknowledgment by the Speaker, the member may be seated until called upon. If two or more members seek recognition at the same time, the Speaker shall determine who shall speak first.

(b) Remarks shall be confined to the subject before the House, or to the purpose for which recognition was obtained.

RULE 15 - DECORUM OF MEMBERS ON FLOOR OF HOUSE

(a) Each member shall conduct himself or herself in a dignified manner at all times.

(b) No member or other person may walk across the House Chamber, or converse privately, in such a manner as to interrupt the House proceedings.

(c) A member shall not be interrupted when speaking except for the following reasons:

(1) a call to order by the Speaker.

(2) a point of order by a member.

(3) a motion by a member to move the previous question, to adjourn, or to recess.

a.A member shall not make derogatory personal comments about or to other members.

(e) No member shall use a cellular phone in the House Chamber while the House is in session.

RULE 16 - RULES OF LEGISLATIVE CONDUCT

(a) A member of the House shall be subject to discipline by the House for the violation of any of the following Rules of
Legislative Conduct, which shall be deemed to constitute "disorderly behavior" within the meaning of Article II, Section 9 of the
Delaware Constitution. The Rules of Legislative Conduct are as follows:

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

(A) A member who has a personal or private interest in any measure or bill pending before the House shall disclose the fact and shall not participate in the debate nor vote thereon; provided however, that (i) upon the request of any other member of the House, a member who has such a personal or private interest may nevertheless respond to questions concerning any such measure or bill, or (ii) a member who has a personal or private interest may add factual matter to the debate which he believes will correct wrong or false information. A personal or private interest in a measure or bill is an interest which tends to impair a member's independence of judgment in the performance of his or her legislative duties with respect to that measure or bill.

(B) A member has an interest which tends to impair his or her independence of judgment in the

performance of his or her legislative duties with regard to any bill or measure when, (i) the enactment or defeat of the measure or bill would result in a financial benefit or detriment to accrue to the member or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons, (ii) the member or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by a measure or bill to a greater extent than like enterprises or other interests in the same enterprise, or (iii) a person required to register as a legislative agent pursuant to Chapter 16, Title 29 of the Delaware Code is a close relative of the legislator and that person acts to promote, advocate, influence or oppose the measure or bill.

(C) If the member is present, the disclosure required under paragraph (A) shall be made in open session, (i) prior to the vote on the measure or the bill by any committee of which the member is a member, and (ii) prior to the vote on the measure or bill in the House. Disclosure may be made by

written statement submitted to the Chairperson of a committee or the Speaker of the House, and read in open session in the committee or the House as the case may be. If the member is absent when a measure or bill is voted on which would have required disclosure required under paragraph (A), then the member shall make the required disclosure as soon as possible upon returning to the committee or House.

(D) For the purposes of this Rule:

(I) A "close relative" means a person’s parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.

(II) A "private enterprise" means any activity, whether conducted for profit or not for profit, and includes the ownership of real or personal property; provided that "private enterprise" does not include any activity of the State of Delaware, any political subdivision or any agency, authority or instrumentality thereof.

(III) A person has a "financial interest" in a private enterprise if he or she, (i) has a legal or equitable ownership interest in the enterprise with a fair market value in excess of $5,000, (ii) 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, or (iii) is a creditor of an insolvent private enterprise in an amount in excess of $5,000.

(IV) A "person" means an individual, partnership, corporation, trust, joint venture and any other association of individuals or entities.

(2) A member shall not receive unlawful gratuities in violation of Section 1206, Title 11 of the Delaware Code.

(3) A member shall not receive a bribe in violation of Section 1203, Title 11 of the Delaware Code.

(4) A member shall not profiteer in violation of Section 1212, Title 11 of the Delaware Code.

(5) A member shall not engage in conduct constituting official misconduct in violation of Section 1211, Title 11 of
the Delaware Code.

(6) A member shall not fail to comply with the campaign finance disclosure requirements set forth in Chapter 80,
Title 15 of the Delaware Code.

(7) A member shall not fail to comply with the financial disclosure requirements of Chapter 58, Title 29 of the
Delaware Code.

(8) A member shall not appear for, represent, or assist another in respect to a matter before the General Assembly
or one of its committees for compensation other than that provided by law.

(9) A member shall not release, without authorization of the Ethics Committee, any confidential matter pertaining

to proceedings of the Ethics Committee.

(10) A member shall not knowingly file a false statement with the Ethics Committee or the House in connection with any proceeding involving a Rule of Legislative Conduct.

(11) A member shall not engage in conduct which the House determines (i) brings the House into disrepute or (ii) reflects adversely on the member's fitness to hold legislative office.

(b) A member shall be subject to sanction for any disorderly behavior occurring subsequent to being elected to the House.

(c) A complaint alleging a violation of a Rule of Legislative Conduct shall be filed in writing by a member with the Ethics Committee for investigation and recommendation to the House as to disposition. A complaint must be accompanied by a written statement signed by any person, sworn under oath, setting forth the facts supporting the complaints. No such complaint shall be considered by the House prior to its consideration and recommendation by the Ethics Committee.

(d) If the Ethics Committee recommends some disciplinary action with respect to a complaint, it shall present a resolution to the

House requesting that the House conduct a proceeding to consider the matter. If the Ethics Committee votes to dismiss a

complaint, and there are no votes against dismissal in the Committee, the House shall take no action with respect thereto. If the

Ethics Committee votes to dismiss a complaint, but there are dissenting votes in the Committee, the House may consider the

matter upon the motion of any member of the House, approved by a majority vote of the House. In any proceeding before the

House involving an alleged violation of a Rule of Legislative Conduct, the accused member shall be given an opportunity to be

heard after notice, to be advised and assisted by legal counsel, to produce witnesses, and offer evidence and to cross-examine

any witnesses. A transcript of any such proceeding shall be made and retained; and rules of procedure for ethics violations as

may be adopted by the House shall apply.

(e) If the House finds by a majority vote that a member has violated a Rule of Legislative Conduct, it may impose such

disciplinary action as it deems appropriate; provided that no member may be suspended or expelled without the vote of

two-thirds of the members of the House concurring therein.

IV. BILLS, RESOLUTIONS AND OTHER MEASURES

RULE 17 - RESOLUTIONS AND OTHER MEASURES; DEFINITIONS

(a) The following types of resolutions may be considered by this body:

(1) Simple Resolutions: A Simple Resolution is an expression of a majority of members on a specific subject, and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.

(2) Concurrent Resolutions: A Concurrent Resolution is used to accomplish the same purpose in relation to the entire General Assembly that the Simple Resolution achieves for either the House or Senate singly. It must be passed by both the House and Senate to become effective. A Concurrent Resolution adopted by the General Assembly does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose which requires the exercise of legislative power.

(3) Joint Resolutions: A Joint Resolution is the most formal type of resolution, and is addressed to matters which are not internal affairs of either the House individually, nor the internal affairs of the General Assembly as a

whole. It is of no legal effect unless passed by both Houses and approved by the Governor. Although a Joint Resolution is not a law, it is employed to provide for temporary measures; and has the force of law while in effect for a wide variety of limited purposes. A Joint Resolution is effective only for the General Assembly in which it was passed and approved. The requirement of the Governor's signature for Joint Resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the General Assembly and Governor combined.

(b) Each member of the House may issue tributes and memoriams at any time during his or her term of office. Tributes and memoriams shall be sequentially numbered by the Chief Clerk and made a part of the House Journal. Each tribute or memoriam shall be signed by the prime sponsor, the Speaker and the Chief Clerk. The Speaker, or his designee, shall cause to be read into the permanent record of the House such tributes and memoriams as have been filed with the Chief Clerk. Tributes and memoriams shall not require a vote; however, at the time such items are officially read into the record, any member may comment on the tribute or memoriams. Tributes and memoriams issued when the House stands in recess or adjournment shall be

administratively managed by the Chief Clerk, who shall cause such items to be made a part of the official proceedings of the House.

a.A measure, as used in these Rules, means a bill, resolution, amendment, motion, or other questions before the House.

(d) A measure, as used in these Rules, means a bill, resolution, amendment, motion, or other questions before the House.

RULE 18 - PREPARATION AND CUSTODY

(a) Each bill and resolution shall be introduced with as many backed copies as are deemed necessary by the Speaker. The original of the bill or resolution shall at all times remain in the custody of the Chief Clerk of the House or the Chairperson of the committee to which it has been assigned. A "duplicate" backed copy may go (on request) to the following: the Speaker, the Sponsor, and the Division of Research. Upon introduction of a bill or resolution a copy shall be delivered to every member. Copies shall also be delivered to the Division of Research.

(b) No bill or joint resolution shall be introduced into the House unless it be "prefaced" by a brief statement of its purpose which shall be known as the title; and the bill or resolution shall also contain the text of such bill or resolution in full. Each bill or resolution shall have an appropriate enacting or resolving clause. If a bill by its terms requires an extraordinary majority for enactment, such vote requirement shall be announced by the Speaker prior to roll call, and such vote requirement should be plainly indicated on the bill. At the end of each bill or joint resolution introduced, the author shall include a brief synopsis of the intent of the bill or joint resolution. In the lower left hand corner of page one shall be the initials of the unit preparing the bill or resolution, the initials of the drafter, and the initials of the typist; and, if prepared by automatic equipment, the identification number.

(c) If a bill or resolution provides for the appointment or selection of members to a committee, task force or similar entity, there shall be a brief synopsis of the need for the creation of the task force or similar entity. A copy of such bill or resolution shall be delivered to each person who is to make an appointment or selection; and delivered to any person designated in the bill or resolution to be a member of the committee, task force or similar entity. Such bill or resolution shall contain the criteria for the

selection of the chairperson and members of the task force or similar entity.

RULE 19 - INTRODUCTION OF BILLS AND RESOLUTIONS; FILING WITH CLERK

(a) Each bill or resolution shall be numbered in order as introduced, beginning with HB 1 for House Bills, HR 1 for House Resolutions, HCR 1 for House Concurrent Resolutions and HJR 1 for House Joint Resolutions; and the original backer shall contain the signatures of all the sponsors of the original bill.

(b) Every bill or resolution shall be introduced by:

(1) Filing it with the Clerk of the House not less than one hour prior to the opening of the session by one of the two following procedures:

A. the sponsor’s written direction to the Chief Clerk;

B. verbal approval from the sponsor to the Chief Clerk (original bill must be signed by the sponsor before start of session);

(2) Introduction from the floor while the House is in session if permitted by the Speaker.

(c) At the beginning of the day's session following the filing of a bill or resolution with the Clerk, the Clerk shall read the bill or resolution into the record. A bill or resolution that is filed with the Clerk of the House while the House stands in recess, in adjournment, or is not otherwise meeting, shall be given a number and entered upon a docket kept for that purpose.

(d) Introduction of a bill or resolution shall be considered the first reading, of that bill or resolution, unless otherwise ordered by the House. The bill or resolution shall be read by title only, or by reference to the prefile list, and then be assigned by the Speaker to its appropriate committee.

(e) Resolutions of condolence, congratulations or other non-controversial subject matters may be considered as part of the Consent Calendar without being assigned to a committee, unless any member objects. A suspension of the Rules is required in order to consider any other type of resolution without referring it to a committee.

(f) The prime sponsor or sponsors of a bill or resolution shall be the member or members who have responsibility for the drafting

and introduction of a bill or resolution. The prime sponsor(s) of a bill or resolution is that House member listed first to the right of the word "sponsor" on the upper right side of the first page of a bill or resolution, and the names of each member after the first which are joined by the word "and" or the symbol "&". The floor manager of a House bill or House resolution shall be that member whose name is listed first to the right of the word "sponsor" in the upper right side on the first page of a bill or resolution. A joint sponsor is any member of the House or Senate whose name is printed on the measure after the name of all prime sponsors. A co-sponsor is a member of the House or Senate whose name is not otherwise shown on the measure, but who signs the backer of the measure.

(g) The chairperson of the House standing committee to which a Senate bill or resolution has been assigned shall also be the floor manager of that measure, unless he or she declines to serve, or defers to a House sponsor. If the committee chairperson declines to serve as floor manager, the Speaker shall designate a House member to be the floor manager of that measure.

(h) In order to withdraw his or her sponsorship of a bill or resolution, a sponsor shall submit to the Chief Clerk a written notice

for this purpose. The written notice shall then be attached to the original of the bill or resolution.

RULE 20 - ASSIGNMENT TO APPROPRIATIONS COMMITTEE

Each bill or joint resolution, whether emanating from the House or the Senate, containing an appropriation or which may involve

any net financial loss or obligation on the part of the State, including transportation trust funds, if any, of $50,000 or more in any

one of the next three fiscal years (which has been previously referred by the Speaker under the Rules to any committee of the

House other than the Committee on Appropriations) shall, after the same has been reported back to the House, be referred to the

Committee on Appropriations.

RULE 21 - FISCAL NOTES

(a) No bill or resolution either authorizing expenditures, or increasing or affecting the transportation trust fund, or reducing

revenues as described in Chapter 19, Title 29 of the Delaware Code shall be placed before the House for consideration unless

accompanied by a fiscal note.

(b) (1) All legislation proposing new fees or increases in existing fees charged by any state agency shall include therewith an explanation of:

(A) the expected total amount of funds to be generated by the proposed fee or fee increase;

(B) the purpose of the proposed new fee or fee increase;

(C) a general identification of the persons, business entities or organizations affected by the legislation;

(D) the impact of the proposed new fees or fee increases on these affected persons, business entities or organizations;

(E) the intended use by the agency of the revenues generated by the new fees or fee increases.

(2) The Office of the Controller General shall conduct such review or audit of the information offered by the state agency pursuant to (b)(1) as is deemed necessary to evaluate the information required therein, and shall issue a

written report of its findings. The written report of the Office of the Controller General's findings shall be attached to the legislation, by the sponsor of the legislation, prior to the legislation's initial committee consideration in the house of origin.

(3) The House may waive the requirements of this section as to any specific legislation pending before the House by a vote of the majority of all members elected to the House.

RULE 22 - FINAL READINGS AND CONSIDERATION BY HOUSE

(a) When brought before the House for consideration, each bill and joint resolution shall be given its final reading by title, unless the Speaker directs a reading in full.

(b) Each bill or joint resolution in order to pass the House shall be read on two different days of the session unless a majority of the members elected to the House determine otherwise, or unless the bill or joint resolution is on a Consent Agenda or Calendar, and voted on by a single vote. No bill or joint resolution shall be brought before the House for passage on the same calendar day it is reported out of committee, nor in the absence of the prime sponsor without his or her written consent.

RULE 23 - AMENDMENTS

(a) An amendment to a measure shall be introduced by prefiling the amendment if the amendment changes the nature and intent of the bill or resolution; or may be introduced when the measure is being discussed on the floor, if the amendment makes only technical corrections and does not change the nature and intent of the bill or resolution.

(b) When an amendment to a bill would significantly change the nature and intent of the bill, such amendment shall contain a brief synopsis outlining the basic changes incurred.

(c) When an amendment to a bill would change its fiscal impact by increasing expenditures or reducing revenues by $50,000 or more, a new fiscal note shall accompany the amendment.

(d) If a bill becomes significantly changed by amendment, the Speaker may reassign the amended bill to committee. The title of a bill or resolution shall not be amended.

(e) All prefiled amendments shall be acted upon in numerical order before final action on the main bill or resolution, when the

prime sponsor of the amendment is present.

(f) An amendment previously attached to a bill in either house may be stricken from the bill by:

(1) An amendment which directs that a specific House or Senate amendment be stricken; or

(2) An amendment which reverses the directions given by the amendment being stricken.

(g) An amendment to an amendment shall only be considered prior to the adoption of the amendment it is amending. However,

an amendment once passed may be removed by a subsequent amendment.

RULE 24 - SUBSTITUTE BILLS

(a) A substitute bill may be introduced by a prime sponsor of the bill for which it is a substitute and shall be assigned to

committee and follow the same procedure as other bills.

(b) Once introduced, the substitute bill shall render null and void the bill for which it is a substitute.

(c) The title of a substitute bill must be identical to the title of the bill for which it is substituted.

RULE 25- PETITION OF BILL OR RESOLUTION OUT OF COMMITTEE

Every bill or resolution which has been in committee for a period of more than 12 legislative days, except those assigned to the

Appropriations Committee pursuant to Rule 20, shall, upon written request of the majority of the members elected to the House,

be reported to the House for a decision as to its further disposal.

RULE 26 - VOTING

(a) Except as provided for in Rule 46 or Rule 47, each bill or joint resolution which comes before the House for final action shall

be acted upon by a separate roll call vote.

(b) The names of the members of the House shall be called alphabetically, except for the Speaker who shall vote last; and each

member shall, without debate or comments, answer "yes", or "no", or "not voting", from his or her respective seat.

(c) No member shall be permitted to change his or her vote after the roll call has been announced by the Chief Clerk.

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

RULE 27 - STRIKING A BILL OR RESOLUTION

Only a prime sponsor of a bill or resolution or a member authorized by a prime sponsor in writing can strike said bill or resolution.

A bill or resolution may not be stricken once it has been voted upon. Upon the expulsion, death or resignation of any member

from the House, any bill not yet acted upon by the House which has that member as the only sponsor shall be stricken.

V. COMMITTEES

RULE 28 - STANDING COMMITTEES

(a) The standing committees and subcommittees of the House shall include members of both political parties and shall be

appointed by the Speaker. The Speaker shall designate a chairperson, and may designate a vice chairperson who shall act as the

chairperson of the committee in the chairperson's absence, for each committee and subcommittee he appoints. The Chief Clerk

shall keep a list of current standing committees and members appointed thereto.

(b) The following standing committees and subcommittees shall be appointed by the Speaker at the beginning of each General Assembly.

Standing Committees:

(1) Agriculture

(2) Appropriations

(3) Bond Bill

(4) Business/Corporations/Commerce

(5) Clearinghouse

(6) Corrections

(7) Economic Development Banking & Insurance

(8) Education

(9) Ethics

(10) Health & Human Development

(11) House Administration

(12) House Rules

(13) Housing & Community Affairs

(14) Judiciary

(15) Labor

(16) Land Use and Infrastructure

(17) Natural Resources & Environmental Management

(18) Public Safety

1.Revenue & Finance

1.Sunset Committee/Policy Analysis & Government Accountability

2.Tourism

(22) Transportation

(c) There shall also be a House Administration Committee which membership shall be the Speaker, Majority Leader, Majority Whip, Minority Leader and Minority Whip. The Majority Leader shall be the chairperson of the House Administration Committee.

RULE 29 - APPOINTMENT OF SPECIAL COMMITTEES

The Speaker, on his own initiative or upon order of the House, may appoint Special Committees.

RULE 30 - ETHICS COMMITTEE

(a) The Ethics Committee shall be a standing committee consisting of five members, three appointed by the Speaker and two appointed by the Minority Leader, at the beginning of each General Assembly.

(b) The powers and duties of the Ethics Committee shall be as follows:

(1) to recommend to the House, from time to time, such rules of conduct for members of the House as it shall deem appropriate;

(2) to issue written advisory opinions upon the request of any member as to the applicability of any Rule of Legislative Conduct to any particular fact situation;

(3) to investigate any alleged violation by a member of any Rule of Legislative Conduct and, after notice and hearing, to recommend to the House by resolution such disciplinary action as the committee may deem appropriate;

(4) to report to the appropriate federal or State authorities any substantial evidence of a violation by any member of any law involving a Rule of Legislative Conduct which may come to its attention in connection with any proceeding whether advisory or investigative;

(5) to maintain a file of its proceedings and advisory opinions with a view toward achieving consistency of opinions and recommendations. Upon the request of a legislator involved in an advisory opinion, to publish that advisory opinion;

(6) to follow such rules of procedure for ethics violations as may be adopted by the House, and to establish such other procedural rules as shall not be inconsistent with the rules prescribed by the House;

(7) to act only upon a majority vote of its members; and

(8) such other duties and responsibilities as may be assigned by the House from time to time.

(c) All proceedings before the Ethics Committee in connection with an advisory opinion shall be confidential subject to the following: (i) the member involved may waive the privilege of confidentiality, (ii) the proceedings shall no longer be confidential and may be made public in any subsequent disciplinary proceeding if the member acts in disregard of an advisory opinion, and (iii) the Ethics Committee shall maintain records of its proceedings and advisory opinions which shall be available for reference by the Committee, subsequent Committees and their staff.

(d) The Committee may undertake an investigation of an alleged violation by a member of any Rule of Legislative Conduct only upon a written complaint submitted by a member of the House. The complaint must be accompanied by a written statement

signed by any person, sworn under oath, setting forth the facts supporting the complaint. In any such investigation or proceeding, the accused member shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine witnesses. A transcript of any such proceeding shall be made and retained. In any such proceeding the rules of procedure for ethics violations as may be adopted by the House shall apply.

(e) A member of the Committee shall be ineligible to participate, as a member of the Committee, in any Committee proceeding relating to his or her legislative conduct. In any such case, the person appointing that member (either the Speaker or the Minority Leader) shall designate a member of the House to act as a member of the Committee in any Committee proceeding relating to the legislative conduct of such ineligible member. A member of the Committee who has been found by the House to have violated a Rule of Legislative Conduct shall be ineligible to serve again as a member of the Committee.

(f) A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a

member of the House upon submission in writing and under oath of an affidavit of disqualification stating that he or she cannot

render an impartial and unbiased decision in the case in which he or she seeks to disqualify himself or herself. If the Committee

approves and accepts such affidavit of disqualification, the chairperson shall so notify the person appointing that member

(either the Speaker or the Minority Leader) and request that person to designate a member of the House to act as a member of

the Committee in any Committee proceeding relating to such investigation.

(g) Any member who acts in good faith reliance upon any written advisory opinion of the Ethics Committee rendered to that

member shall not be subject to any discipline by the House with respect to the matters covered by the advisory opinion;

provided there was a full disclosure to the Ethics Committee of all facts necessary for the opinion.

(h) The Committee may function without regard to recess periods or adjournment.

RULE 31 - JOINT COMMITTEES

The House of Representatives and the Senate by mutual agreement may establish a joint committee or committees. The House

members of any Joint Committee shall be appointed by the Speaker, unless otherwise provided by statute.

RULE 32 - QUORUM ON COMMITTEES

Four members or a majority, whichever is less, of the members of any committee, subcommittee or special committee shall constitute a quorum.

RULE 33 - COMMITTEE MEETINGS

(a) During the legislative sessions, each standing committee of the House shall be assigned a regular meeting time by the Speaker. This assignment shall not preclude the option of a committee chairperson to cancel a regular or special meeting or call additional meetings when necessary, provided that such special or additional meetings are not scheduled during regular meeting times of standing committees. No committee meetings shall be held while the House is in session without the consent of the Speaker.

(b) All committee meetings shall be chaired by the chairperson, or in his or her absence by the vice-chairperson, if any, if the

committee does not have an appointed vice-chairperson, then, the chairperson shall designate a member of the committee to chair the committee in his or her absence.

(c) So far as may be applicable, the rules of the House shall be observed in the conduct of committee meetings.

(d) All committee meetings will be open to the public except that the committee chairperson may call an executive session at which no final action may be taken. An executive session may be called for those purposes which are listed at 29 Del. C. § 10004 and for the purpose of requesting the issuance of a subpoena pursuant to Rule 35(e). This subsection may be waived by a majority vote of the committee.

RULE 34 - DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES

(a) Each bill, resolution or other legislative matter assigned to a standing committee shall pass through a prescribed deliberative process before being brought to the floor of the House, unless it is sooner petitioned out of committee. Such deliberative process shall include regularly scheduled, pre-announced meetings whereby the committee or subcommittee, after notice to the

sponsor, makes time available for each formal sponsor to explain the legislation and answer possible questions, considers an analysis of the proposed legislation and receives testimony from the general public.

(b) On the last legislative day of each week, each standing committee shall release a Committee Agenda which shall include, among other things, 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.

(c) Minutes shall be recorded for each formal standing committee meeting, and the results of any committee votes shall be included. If a measure is tabled, reasons for such action shall also be included. Committee members who dissent from any committee decision shall be permitted, in the minutes, to state such dissent and the reasons therefor.

RULE 35 - PASSAGE OF MEASURES OUT OF COMMITTEE

(a) Bills and resolutions shall be reported out of committee by a majority of the committee or subcommittee by signing the backer. A bill or resolution may be tabled in any committee or subcommittee by a majority vote of the full committee or subcommittee.

(b) All bills and resolutions shall be acted upon by the appropriate committee within twelve legislative days after being assigned to that committee. All bills and resolutions not acted upon by the appropriate committee within twelve legislative days after being assigned to that committee can be petitioned out of committee pursuant to Rule 25.

(c) The Chairperson shall return the bill or resolution to the Chief Clerk within two legislative days after a bill or resolution has been voted out of committee.

(d) If a bill is unacceptable to the committee, a substitute bill may be introduced or the committee chairperson, on behalf of the committee, may offer one or more amendments which shall take precedence in floor action over any other amendment(s). If the committee amendment(s) fails, the bill may be reassigned to the committee by the Speaker.

(e) Upon a majority vote of the full committee, a subpoena may be requested by the committee and presented to the Speaker for consideration pursuant to Rule 11.

RULE 36 - COMMITTEE REPORTS

Each bill and resolution reported out of committee may at the discretion of a majority of the full committee or the committee chairperson have a printed or typewritten report which includes a summary of the committee's discussion of the legislation. A copy of this report shall be placed in each member's agenda book when the legislation appears on the agenda.

RULE 37 - COMMITTEE RECOMMENDATIONS TO APPROPRIATIONS COMMITTEE

The committee chairperson on behalf of the committee shall make budgetary recommendations to the Appropriations Committee.

RULE 38 - COMMITTEE OF THE WHOLE

The committee of the whole shall mean and include a committee of the entire membership of the House, with the Speaker as chairperson, called into session by the Speaker. So far as may be applicable, the rules of the House shall be observed in the committee of the whole.

VI. MOTIONS

RULE 39 - DEBATE AND VOTE ON MOTIONS

(a) After debate or discussion, the motion shall be repeated by the Speaker before putting the question to the House.

(b) Every motion shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members present shall prevail in the case of a motion to recess, incidental motions, subsidiary motions, or other motions presenting questions of a general procedural nature. The vote of a majority of the members elected to the House shall prevail in the case of privileged motions (except a motion to recess), main motions, or other motions presenting questions of a substantive nature. Such voting shall prevail unless contrary to these Rules, or unless it is in conflict with the statutes, or provisions of the Constitution, of the State of Delaware.

(c) The Speaker may cause or any member may call for a roll call or division in which case the members voting in the affirmative shall be required to rise for the purpose of being counted by the Clerk of the House.

(d) At the request of any member, the vote on any measure shall be by roll call vote.

RULE 40 - PRECEDENCE OF MOTIONS

(a) If a question is before the House, no motion may be received except one of the following, and they have precedence in the order listed:

(1) to adjourn sine die. This motion is not debatable.

(2) to adjourn. This motion is not debatable and cannot be amended nor reconsidered.

(3) to recess. This motion is not debatable. This motion is passed by a majority of those members present.

(4) question of privilege.

(5) all incidental motions.

(6) to table.

(7) motion to call the previous question. A motion to call the previous question shall not be entertained except at the request of five members arising for that purpose and so indicating, and shall be determined by roll call vote

without debate. When the previous question has been called and sustained, it shall not cut off action on amendments to the main measure; and the vote shall be taken without debate first on the amendments in order and then on the main measure.

(8) to limit debate.

(9) postpone to a day certain.

(10) to commit to committee.

(11) to amend. An amendment may be offered to an amendment, but no motion may be accepted which would amend an amendment to an amendment.

(12) to reconsider.

(13) to take from the table.

(b) No motion may be received after a vote upon the question then before the House has been called for by the Speaker.

RULE 41 - MOTION FOR RECONSIDERATION

(a) No motion for reconsideration shall be in order unless made on the same legislative day or on one of the three next succeeding legislative days. If the original vote was taken by a recorded vote of yes and no, this motion can be made only by a member who voted with the prevailing side; i.e., a reconsideration can be moved only by one who voted "yes" if the motion involved was adopted or "no" if the motion was lost. If the original vote was not taken by a recorded vote of yes or no, it is in order for any member to move for the reconsideration thereof.

(b) When a bill, resolution, report, amendment, order or message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, or to the Governor, the motion to reconsider shall be accompanied by a motion in writing, attested to by the Speaker, to request the Senate or the Governor to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

RULE 42 - MOTION TO TAKE FROM THE TABLE

(a) After a measure has been laid on the table, only the following persons may move to lift such measure from the table:

(1) In the case of a House measure, only one of the prime sponsors of the measure or a member authorized in writing by all the prime sponsors.

(2) In the case of a measure without a House prime sponsor, only the floor manager of a measure or a member authorized in writing by the floor manager.

(b) A motion to take a measure from the table may only be made on the same legislative day the measure is tabled (or if this motion is listed on the agenda). The motion is not debatable.

RULE 43 - SUSPENSION OF RULES

The suspension of any Rule requires the concurrence of at least a majority of the members elected to the House. This motion is debatable but does not permit discussion of the main question. It cannot be reconsidered, laid on the table, nor postponed indefinitely, and while it is pending no motion may be made except to adjourn. A separate suspension of the Rules is necessary for each measure.

VII. CALENDAR AND AGENDA

RULE 44 - HOUSE CALENDAR

The Clerk of the House shall keep a House Calendar on which shall be placed the number and title of all bills and resolutions, the name of the prime sponsor, and the current status of each bill or resolution. Said bills and resolutions shall be kept on the Calendar and final action recorded.

RULE 45 - AGENDA

(a) The Speaker shall place items on the agenda pursuant to Rule 10 of these rules.

(b) In lifting bills from the table, the motion to lift is the agenda item.

(c) Any House bill amended by the Senate shall either be placed on the Agenda or assigned to committee, at the discretion of the Speaker.

(d) Measures brought to the top of the Agenda for the day shall be permitted only to be:

1. deferred to day certain two times only; or

2. deferred to the end of agenda one time only; or

3. laid on the table. A measure which has been on the table for six legislative days shall be returned to the Ready List; or

4. brought to a vote.

RULE 46 - CONSENT AGENDA

(a) Any member of the House may propose any bill or joint resolution for inclusion on a Consent Agenda for final reading. The proposal shall be made in writing to the office of the Chief Clerk on any day. If any bill or joint resolution on a particular Consent Agenda has a super majority vote requirement then such Consent Agenda will require the highest such vote requirement.

(b) A bill or joint resolution shall be removed from a Consent Agenda if any member objects to it being included thereon. In addition, a bill or joint resolution may not be included on a Consent Agenda if at the time of reading a Consent Agenda an unattached amendment to it has been proposed.

(c) All bills and joint resolutions on a Consent Agenda shall be read and voted upon as a single group.

RULE 47 - CONSENT CALENDAR

(a) Any member of the House may propose any resolution for inclusion on a Consent Calendar for final reading. The proposal shall be made in writing in the office of the Chief Clerk on any day.

(b) A resolution shall be removed from a Consent Calendar if any member objects to its being included thereon. In addition, resolutions may not be included on a Consent Calendar if at the time of reading a Consent Calendar an unattached amendment to it is proposed.

(c) All resolutions on a Consent Calendar shall be read and voted upon as a single group.

RULE 48 - ANNOUNCEMENT OF AGENDA; DELIVERY OF BILLS AND RESOLUTIONS

(a) The Chief Clerk shall lay upon the desk of the Speaker at the beginning of each day’s session all bills, resolutions and motions pending before the House that day, properly arranged and classified.

(b) Prior to the beginning of each legislative day, the Chief Clerk shall provide to each member a printed copy by number, sponsor and/or title, of the bills, resolutions or other measures that are being placed on the Agenda for that legislative day.

(c) All enacted bills, concurrent resolutions, or joint resolutions originating in the House, or Senate bills or resolutions to which the House has added amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the three next succeeding legislative days.

VIII. MISCELLANEOUS

RULE 49 - OFFICES, PARKING SPACES AND SEATS

Desks on the floor of the House, offices, and parking spaces shall be allocated to the members by the Speaker.

RULE 50 - AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE

In all cases to which they are applicable and in which they are not inconsistent with these Rules, the latest edition of Mason's Manual of Legislative Procedure, shall govern the House.

RULE 51 - CHIEF CLERK AND ASSISTANT CHIEF CLERK

The House shall elect a Chief Clerk and an Assistant Chief Clerk who, in the absence of the Chief Clerk, shall perform the Chief Clerk's duties.

The Assistant Chief Clerk shall be compensated at a per diem rate to be determined by the Speaker while serving as Chief Clerk.

RULE 52 - SUPERVISION OF LEGISLATIVE STAFF

The legislative staff shall report to such supervisory staff as may be determined by the Speaker. The financial officer of the House shall maintain on file job descriptions for all positions within the legislative staff.

RULE 53 - REGISTRATION OF NEWS MEDIA

a.Members of the news media shall be registered by the Division of Research.

b.Accredited representatives of the daily and weekly press, press associations, and of radio and television stations shall be accorded equal press privileges by the Speaker. Any person wishing to report proceedings of the House

may apply to the Speaker for assignment of suitable available space.

c.On approval of the Speaker, radio and television stations shall be permitted to air and record sessions of the House.

d.Any use or reproduction of House tapes will require permission of the Speaker and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service.

RULE 54 - REGISTRATION OF LOBBYISTS

Lobbyists shall be registered by the State Public Integrity Commission pursuant to Chapter 58, Title 29 of the Delaware Code. No lobbyist shall be granted privilege of the floor unless so registered.

RULE 55 - PRIVILEGE OF FLOOR

The privilege of the floor may be granted by the Speaker upon request of any member, unless an objection is sustained by a majority of members present and voting.

RULE 56 - EXPEDITED PROCEDURES

The Speaker may designate the procedure by which certain items are to be expedited. Such rules as would interfere with the introduction of and/or action on such items shall automatically be deemed suspended unless one or more members object to an item being determined by expedited procedures.

RULE 57 - PERSONS ON THE FLOOR OF THE HOUSE

(a) No person may be admitted to the floor of the House while the House is in session unless specifically invited by a member and with the consent of the Speaker except the following: former Governors, former members of the House, former members of the Senate (but none of the foregoing has this privileged admission without consent if he is paid to act as a registered legislative agent as defined in Chapter 16, Title 29 of the Delaware Code), duly designated representatives of the Governor of Delaware, members of the House and the Senate and their staffs, staff members from the Division of Research, representatives of each Cabinet Department, reporters for each of the daily newspapers published in the State, a reasonable number of other accredited correspondents as determined by the Speaker and a reasonable number of representatives of radio and television broadcasting stations (together with necessary equipment) as determined by the Speaker.

(b) No one other than a member shall sit in a member's seat while the House is in session.

(c) No one shall be allowed to smoke in the House Chamber.

(d) No one shall use a cellular phone in the House Chamber, including the balcony area, while the House is in session.

RULE 58 - NON-MEMBER INVITED SPEAKERS OR GUESTS

(a) A non-member speaker or guest shall be allowed to address the House of Representatives provided they are noted on the agenda together with the name of the Representative sponsoring said speaker or guest and the time allotted for their remarks.

(b) A speaker noted per subsection (a) of this rule shall be granted a time limit of one minute, three minutes or five minutes by the Speaker of the House.

(c) On the day of the scheduled address, the sponsoring member shall be recognized and shall move that the invited speaker or guest be granted privilege to address the House and shall state the allotted time granted by the Speaker of the House.

(d) The Speaker of the House may grant an unlimited amount of time for the Governor to address the House as deemed necessary by the Speaker or the members of the House.

(e) This rule is only applicable to appearances by non-members giving remarks unrelated to agenda items and shall not be construed so as to limit the speaking time of witnesses to legislation.

RULE 59 - REPEAL OR AMENDMENT OF RULES

No motion, order or resolution to repeal or amend a Rule of the House may be considered or acted upon unless it has been submitted in writing to the House at least one day prior thereto, together with the written text of any proposed amendment. The repeal or amendment of any Rule of the House requires the concurrence of at least a majority of the members elected to the House.

RULE 60 - RULES TO BE PRINTED

These Rules shall be printed by the Division of Research, upon adoption, in a pocket-sized edition which shall also contain the following materials:

(a) a list of the Officers of the House;

(b) the membership of the Standing Committees of the House;

(c) the Constitutional vote requirements for passage of legislation; and

(d) requirements set forth elsewhere directly relating to House action such as the fiscal note requirement.

RULE 61 - STATE MAIL AND POSTAGE

No House member or staff member shall use state mail services and/or state-paid for postage for his or her own personal use.

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