

The Louisiana House of Representatives



Quick Guide

to

Floor Procedure

January, 2020

Baton Rouge, Louisiana

Dedicated To

*The leaders, members, and staff of the
Louisiana House of Representatives,
past, present, and future,
who dedicate themselves to improving
and strengthening the legislative institution.*

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INTRODUCTION

This *Quick Guide to Floor Procedure in the Louisiana House of Representatives* is intended as a ready reference to floor procedure, including the actual usual and customary language employed by the presiding officer and members in some of the most common floor procedures in the House. House Rules and Mason's Manual of Legislative Procedure are cited for convenience in referring to the relevant provisions.

Procedure on the floor of the Louisiana House of Representatives includes many practices that are repeated time after time. During a session, the dialogue that occurs between the presiding officer and a member who is recognized by the presiding officer follows from these customary practices and the House Rules.

The *Quick Guide* is arranged so as first to provide examples of motions most often used and the procedures relating to them, as well as examples of actual language used by the presiding officer and members. These are organized into three main categories: Recognition of Members, Interrupting a Member Who Has the Floor, and Frequently Used Motions. The frequently used motions are arranged generally according to when they may be used, that is, those relating to any order of business, followed by those used primarily on second reading, then those affecting the order of business, followed by those used in debate, and finally those relating to voting.

Next, the *Quick Guide* provides examples of the procedures and the actual language used by the presiding officer and members during particular orders of business. These are organized into two main groups: Morning Hour and Regular Order.

Finally, the *Quick Guide* covers motions and procedures concerning the Committee of the Whole.

RECOGNITION OF MEMBERS

See House Rules 5.4 through 5.6

In the Louisiana House of Representatives, a member cannot speak without being recognized by the Speaker of the House or the member who is serving in the place of the Speaker as the presiding officer. In order to obtain recognition, the member presses his “floor” or “question” button at his desk to indicate whether he wishes to speak on the motion or matter before the House, or to ask a question. The presiding officer recognizes the members whose names are registered at his desk in this manner. (The presiding officer may activate a “motion” queue to allow the differentiation between those who want to debate the main motion or a debatable incidental or subsidiary motion, if one is before the House.)

If a member is recognized for the floor, he proceeds immediately to the “well” of the House, which is the lectern at the front of the Chamber from which members address the House. If the member is recognized for a question, the microphone at his desk will be activated, and the member will rise to address his question to the member who has the floor.

If the voting machine is out of order, a member who wishes to be recognized rises from his seat and addresses the presiding officer as “Mr. Speaker”, and indicates whether he seeks the floor or wishes to ask a question. If two or more members rise to be recognized at the same time, the presiding officer names the one who shall be first to speak.

House Rule 5.1 requires House members to confine themselves to decorous language in addressing the House.

Recognition of Members for Floor or Question

The usual procedure is as follows if a member presses the “floor” button:

Speaker: “Representative X is recognized for the floor.”

Recognition of Members

Rep. X: “Mr. Speaker, ladies and gentlemen of the House (speaks on the motion or matter before the House).”

The usual procedure is as follows if a member presses the “question” button:

Speaker: “Will Representative X (member who has the floor) yield to a question?”

Rep. X: “Yes, Mr. Speaker.”

Speaker “Representative Y is recognized for a question.”

Rep. Y: “Representative X, (asks a question of the member who has the floor).”

(Also see “Point of Order” and “Parliamentary Inquiry”, page 7.)

Point of Personal Privilege

See Mason's Manual Sec. 222

Used by members to comment on matters affecting their rights, reputation, or conduct in their representative capacity. Often used to recognize visitors. If the presiding officer determines it is of sufficient urgency and requires immediate action, the point of personal privilege may be raised at any time, including while another member has the floor. Personal privilege is not to be used to explain recusal from voting. House Rule 10.1 requires that explanation of recusal from voting shall be made in writing only and included in the *Journal*, if requested (must be given to the Clerk on the same legislative day).

The usual procedure is:

Rep. X: “Mr. Speaker, point of personal privilege.”

Speaker: “State your point.”

Rep. X: “For the record, I would like to apologize to my colleague for a statement I made on the floor in debate.” (The member referred to may request recognition to respond.)

INTERRUPTING A MEMBER WHO HAS THE FLOOR

A member who has the floor may be interrupted for the following purposes (*See Mason's Manual Sec. 92, Par. 2*):

Point of Order

See House Rule 5.6 and Mason's Manual Secs. 240-246

A point of order may be raised at any time by any member and requires immediate consideration by the presiding officer. It is not a motion and is not debatable. The presiding officer is not required to decide any point of order not directly presented in proceedings of the body.

A point of order is used to call the Chair's attention to a breach of order or of the rules. It is a device used to require the body to observe its rules and to follow established parliamentary procedure.

The usual procedure is:

Rep. X: "Point of order, Mr. Speaker."

Speaker: "State your point."

Rep. X: "The amendment is not germane to the bill."

(The Speaker then rules on the point of order and may state the reason for his decision.)

Parliamentary Inquiry

See House Rule 5.6 and Mason's Manual Secs. 250-254

A parliamentary inquiry is a request for information from the presiding officer regarding procedure or the business before the house.

Interrupting Member Who Has the Floor

The presiding officer is not required to answer general questions about parliamentary law, but should address questions on parliamentary law relevant to the business before the body to allow the member making the inquiry to make a proper motion or to raise a timely point of order.

The usual procedure is:

Rep. X: “Point of information, Mr. Speaker.”

Speaker: “State your inquiry.”

Rep. X: “What is the vote required to pass the bill?”

(The Speaker then answers the inquiry and may state the reason for his decision.)

Appeal the Ruling of the Chair

See House Rule 9.12 and Mason's Manual Secs. 230-235

Any member may appeal a ruling of the Chair, including a ruling of the Chair on a point of order. Appeals are generally debatable questions. (*See House Rule 9.14A.*)

The usual procedure is:

Rep. X: “Mr. Speaker, I appeal the ruling of the Chair.”

Speaker: “Representative X has appealed the ruling of the Chair. As many of you as are in favor of sustaining the Chair shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 2 nays, and the Chair is sustained.”

The vote on an appeal is always stated so that an affirmative vote will be to sustain the ruling of the Chair.

FREQUENTLY USED MOTIONS

Motions that may be offered in any order of business:

Substitute Motion

See House Rules 9.4 and 9.5 and Mason's Manual Sec. 395

A substitute motion is a motion offered in place of a motion previously made and not disposed of. A substitute motion must be offered in place of a motion that is capable of being amended or be a subsidiary motion of a higher priority than the one pending (motions are not amended in the House; *See House Rule 9.14C(1)*).

A substitute motion is debatable if the original motion is debatable.

No more than one substitute motion is in order at any time.

The usual procedure is:

Rep. Y: (After a member has made a motion and before action is taken on that motion) “Mr. Speaker, I would like to offer a substitute motion. I move (states substitute motion).”

Speaker: “Representative X has moved (states main motion). Representative Y has offered a substitute motion (states substitute motion). Is there objection to the substitute motion? There is objection. The vote will occur on the substitute motion. As many of you as are in favor of the motion (repeats substitute motion) shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 2 nays, and the motion (restates motion) is adopted.”

or

“2 yeas, 99 nays, and the motion has failed to pass. The vote will now occur on the original motion (states

Frequently Used Motions - Any Order

original motion). All those in favor shall vote yes, those opposed shall vote no. The Clerk shall open the machine.”

Recess

See House Rules 9.5, 9.7, and 9.14A(26)

The motion is not debatable, but a substitute may be offered to change the duration of the recess.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that we recess until 6 p.m.”

or

“Mr. Speaker, I move that we take a ten-minute recess.”

Speaker: “Representative X has moved that the House recess for ten minutes. Without objection, so ordered.”

Adjourn

See House Rules 9.5 through 9.7 and 9.14A(1)

The motion is not debatable, but a substitute may be offered to change the day and time of reconvening (*see House Rule 9.14C(1)*).

The usual procedure is:

Rep. X: “Mr. Speaker, I move that the House adjourn until 2 p.m. tomorrow.”

Speaker: “Representative X has offered a motion that the House adjourn until 2 p.m. tomorrow. Without objection, so ordered.”

Suspend the Rules

See House Rule 13.2 and Mason's Manual Secs. 279-286

A motion to suspend the rules must specify the purpose of the suspension, but need not list specific rules to be suspended.

The usual procedure is:

Rep. X: “Mr. Speaker, I move to suspend the rules for the purpose of (states purpose).”

Speaker: “Representative X has moved to suspend the rules for the purpose of (states purpose). Is there objection? Hearing none, the rules are suspended.”

If there is objection, the motion must be put to a vote. Approval of the motion requires the favorable vote of at least two-thirds of the members present and voting.

Motions Usually Offered on Second Reading:

Refer (to a Different Committee)

See House Rule 6.5 and Mason's Manual Sec. 83, Par. 2, and Sec. 384

Bills, joint resolutions, and resolutions (except perfunctory resolutions) are referred by the Speaker to the appropriate standing committee according to subject matter. A motion is not required for such referral. At the time of referral, a member may object and move for referral to another standing committee. Such a motion is considered a substitute motion to the original referral, is debatable, and requires the approval of a majority of members present and voting. A motion to refer to a different standing committee than that designated by the Speaker is only in order when the author of the instrument and the chairman of the committee of original referral are present in the chamber when the motion is made.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that (instrument) be referred to the Committee on (name of second committee).”

Speaker: “(Instrument) has been referred to the Committee on (name of first committee). Representative X offers a substitute motion to refer (instrument) to the Committee on (name of second committee). Is there objection to the substitute motion? There is objection. As many of you as are in favor of the substitute motion to refer (instrument) to the Committee on (name of second committee) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Discharge a Committee

See Const. Art. III, §15(D), House Rule 6.13(B), and Mason's Manual Sec. 83, Par. 3, and Secs. 390 and 491

When a legislative instrument is referred to a committee it cannot be acted upon by the House until reported by the committee, unless the committee is discharged from considering it.

A majority of the elected members of the House by motion or resolution may recall a legislative instrument from a committee and discharge the committee from further consideration of the instrument. The motion to discharge a committee is only in order when the author of the instrument and the chairman of the committee to which the instrument was referred are present in the chamber when the motion is made. When this is done, the instrument must be recommitted to another committee or heard in the Committee of the Whole. Therefore, the motion is usually paired with the motion to refer, which combination is allowed under parliamentary procedure.

The motion is ordinarily used to correct errors in the referral process, and with agreement of the discharged committee chairman, usually is adopted by unanimous consent without opposition and handled as a perfunctory matter.

The motion to discharge a committee is debatable as to the propriety of discharging the committee; it does not open debate on the instrument itself.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that the Committee on (name of first committee) be discharged from further consideration of (instrument), and that the (instrument) be referred to the Committee on (name of second committee).”

Frequently Used Motions - Second Reading

Speaker: “Representative X has offered a motion that the Committee on (name of first committee) be discharged from further consideration of (instrument), and that (instrument) be referred to the Committee on (name of second committee). Is there objection? There is objection. As many of you as are in favor of discharging the Committee on (name of first committee) from further consideration of (instrument) and referring (instrument) to the Committee on (name of second committee) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Direct a Committee to Report

See House Rule 6.13(A) and Mason's Manual Sec. 620

The House may direct a committee to report an instrument and the committee must follow such directive. This can be done by motion or resolution.

A motion to direct a committee to report is debatable as to the propriety of directing the committee and requires the approval of a majority of the elected membership for adoption (a minimum of 53 votes). According to custom and practice of the House, the motion may not direct the manner of report, only that the instrument be reported and the date by which the report shall be made.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that the Committee on (name of committee) be directed to report (instrument) on or before (date).”

Speaker: “Representative X moves that the Committee on (name of committee) be directed to report (instrument) on or before (date). Is there objection? There is objection. As many of you as are in favor of

directing the Committee on (name of committee) to report (instrument) on or before (date) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Override a Committee

See House Rule 6.11(D)

The term “override the committee” is an informal way of referring to a motion, made when an instrument is reported by committee, that is counter to the recommendation of the committee. Examples of motions to “override the committee” when a bill has been reported unfavorably include a motion to engross and pass to third reading (if a House bill) or to refer to the Legislative Bureau (if a Senate bill). Such motions would “override the committee” since they would advance the bill as if it had been reported favorably.

Adoption of either of these motions requires the favorable vote of a majority of the elected members of the House. (House Rule 6.11(D) specifies that adoption of any motion, the effect of which is to reject the recommendation of a committee report, *except* a motion to recommit, postpone indefinitely, or withdraw an instrument from the files of the House, requires a favorable vote of a majority of the elected members of the House of Representatives.)

The usual procedure is:

Rep. X: “Mr. Speaker, I move that (instrument), just reported unfavorably by the Committee on (name of committee), be engrossed and passed to third reading.”

Speaker: “Representative X has offered a motion that (instrument), just reported unfavorably by the Committee on (name of committee), be engrossed and passed to third reading. Is there objection? There is

Frequently Used Motions - Second Reading

objection. As many of you as are in favor of (instrument) being engrossed and passed to third reading shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Recommit

See House Rules 6.11(A)(1)(e) and 6.8

The motion to recommit an instrument to another committee can be made when the report is read or in the appropriate order of business for action on instruments reported by committees (Morning Hour Nos. 14 through 18).

The usual procedure is:

Rep. X: “Mr. Speaker, I move that (instrument), just reported by the Committee on (name of first committee), be recommitted to the Committee on (name of second committee).”

Speaker: “Representative X has offered a motion that (instrument) be recommitted to the Committee on (name of second committee). Is there objection? There is objection. As many of you as are in favor of recommitting (instrument) to the Committee on (name of second committee) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

By rule, certain classes of instruments are recommitted to a second committee after being reported by the original committee of referral.

Withdraw from the Files of the House

See House Rule 6.11(D)

If the motion is made when the committee report is read, a rules suspension is required. The motion is more often made during Morning Hours 14 and 16.

The usual procedure is:

Speaker: “Representative X (committee chair) moves that (instrument) be withdrawn from the files of the House. Without objection, so ordered.”

Motions Related to Order of Business or Order of Consideration of Instruments:

Call from the Calendar

See House Rule 8.20

Only the author, the member handling a Senate bill, or a member authorized by one of them may move to call a bill from the calendar. For instruments advanced to third reading, returned from the Senate with amendments for concurrence, or reported from conference committee the motion is in order no sooner than the next legislative day following the member's notice to the House that the motion will be made to call the instrument from the calendar. (Notice is not required for a bill returned to the calendar on the last day for final passage of bills, and practice of the House is that notice is not required for an instrument called from the calendar on the same legislative day it was returned.)

Instruments for which notice has been given are listed on the Order of the Day in the order the Clerk received notice. Members are recognized to move to call instruments from the calendar in that order, and a two-thirds vote is required to call an instrument out of this order. The motion to call from the calendar requires concurrence of a majority of the members present and voting, although in practice it is usually adopted by unanimous consent. The motion is not debatable. (*For "Return to the Calendar," see page 28.*)

The usual procedure is:

Rep. X: “Mr. Speaker, I move to call (instrument) from the calendar.”

Speaker: “Representative X has moved to call (instrument) from the calendar. Is there objection? Without objection, (instrument) is called from the calendar.”

or

Frequently Used Motions - Affecting Order of Business

“There is objection. As many of you as are in favor of calling (instrument) from the calendar shall vote yes; those opposed shall vote no. The Clerk shall open the machine. 2 yeas, 99 nays, and the House has refused to call (instrument) from the calendar.”

Proceed Out of Usual Order

See House Rule 8.6 and Mason's Manual Sec. 258, Par. 3

Approval of two-thirds of the members present and voting is necessary to change or postpone the order of business, the same requirement as for a rules suspension.

The usual procedure is:

Speaker: “Representative X moves we revert to (specifies order – Morning Hour No. _____ or Regular Order No. _____). Without objection, so ordered.”

or

Rep. X: “Mr. Speaker, I move we take out of its regular order (instrument).”

Speaker: “Representative X moves to take (instrument) out of its regular order. Is there objection? There is objection. As many of you as are in favor of taking (instrument) out of its regular order shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

The Berthelot Rule

See House Rule 8.8.1 and Mason's Manual Sec. 261 and 263

The Berthelot Rule was adopted in 2018 to provide a way for the House to consider a volume of noncontroversial legislation on final passage in an expedited way on the last legislative day of a week.

Frequently Used Motions - Affecting Order of Business

The rules provide that, at the discretion of the Speaker, the House may consider noncontroversial legislation in preferential order on the last legislative day of the week for the House. The Speaker must announce his intention to proceed under the Berthelot Rule no later than the legislative day prior to the last legislative day of the week. If a member objects to proceeding under the Berthelot Rule, then so proceeding requires a motion adopted by a favorable vote of a majority of members present and voting. The motion is not debatable. Any instrument that is “controversial” will be passed over and will remain on the calendar in its order for consideration on the next legislative day. If a member objects to an instrument being considered in preferential order, the instrument will also be passed over and will remain on the calendar in its order for consideration on the next legislative day.

The usual procedure is:

Speaker: “Members, tomorrow we will proceed under the Berthelot Rule. Seeing no objection, so ordered. If there is any bill on the debate calendar tomorrow that you believe is controversial or may inspire lengthy debate, please let me or the Clerk know.”

The next legislative day

Speaker: “Members, we are proceeding under the Berthelot Rule today. First instrument Madam Clerk. Representative X why do you rise?”

Rep. X: “Mr. Speaker, that instrument is controversial.”

Speaker: “Members, that instrument will remain on the calendar in its order, next instrument Madam Clerk.”

Place in Special Order

See House Rules 6.11(A)(4) and 8.4 through 8.6 and Mason's Manual Secs. 265 and 266

The rules provide that a legislative instrument may be placed in Special Order by a majority of those present and voting for consideration on a succeeding day if the standing committee which reported the legislative instrument has recommended such placement. The recommendation of the committee alone is not sufficient; a separate motion to place the bill in Special Order must be offered and adopted by the House. (*See Morning Hour No. 20 on page 56.*) The motion is debatable as to the question of setting the special order. A substitute may be offered to change the date for consideration of special order.

Placing an instrument in Special Order without a committee recommendation or without following the other requirements of House Rule 8.6 requires a suspension of the rules. The motion to suspend House Rule 8.6 is a debatable motion.

The usual procedure is:

Rep. X: “Mr. Speaker, I offer a motion to place (instrument) in Special Order for (date).”

Speaker: “Representative X has offered a motion that (instrument) be made Special Order for (date). The House Committee on (name of committee) has recommended that the bill be placed in Special Order. Is there objection? Without objection, so ordered.”

Motions Used in Debate or to End Debate:

Some of these motions may be used in other situations, but they are most often used in debate on Third Reading and Final Passage.

Limit Debate

See House Rule 5.7

No member may speak more than twice during debate on the same question, nor more than once until every member choosing to speak has spoken. No member may speak more than 15 minutes on one occasion. The House often agrees to a shorter time limit. Such an agreement is by motion to suspend the rules; this rules suspension expires upon the daily adjournment.

The usual procedure is:

Speaker: “Representative X, why do you rise?”

Rep. X: “Five minute rule.”

Speaker: “Without objection, so ordered.”

(A member may move that some other time limit on debate be adopted.)

The effect of the “five-minute rule” is that the member offering the bill/amendment is granted 10 minutes to open and answer questions; each subsequent speaker is limited to five minutes; and the member offering the bill/amendment is granted 10 minutes to close. This “rule” is a custom or practice of the House.

Extend Debate

A member may be granted additional time for debate. The request for additional time is a motion to suspend the rules.

The usual procedure is:

Speaker: “The gentleman is out of time. Do you wish to grant Representative X, additional time?”

Rep. Y: “Two minutes, Mr. Speaker.”

Speaker: “Without objection, so ordered.”

or

Speaker: “There is objection. When the machine is opened, all those in favor of granting Representative X an additional two minutes shall vote yes, those opposed shall vote no. The Clerk shall open the machine.”

Amend

See House Rules 8.13 and 11.1 through 11.5

Any member may submit proposed floor amendments to any instrument on either second reading or third reading.

The usual procedure is:

Speaker: “Next set of amendments. Representative X sends up amendments. Representative X, explain your amendments.”

Rep. X: (The author explains the amendments, answers questions, and members debate amendments.) “I move adoption of my amendments.”

Speaker: “Representative X moves adoption of the amendments. Is there any objection to the adoption of the amendments? There is objection. Representative X has offered amendments to which objection has been heard. As many of you as are in favor of the

Frequently Used Motions - In Debate

adoption of the amendments shall vote yes; those opposed shall vote no. The Clerk shall open the machine. 99 yeas, 2 nays, and the amendments are adopted.”

The House may consider only one set of proposed amendments at a time. Thus, amendments may not be amended. However, a subsequent amendment may remove earlier amendments and propose different language. (*See House Rule 11.2.*)

Previous Question

See House Rule 9.10

The motion for the previous question closes debate on the motion then under debate. In other words, the motion closes debate on any outstanding subsidiary motion or amendments or on the main motion, whichever is then immediately pending before the House.

The motion is not debatable and requires approval of a majority present and voting for adoption. The motion is not in order when another member has the floor, when offered by a member who has made a motion subject to debate, nor when offered by a member at the conclusion of speaking on the motion under debate.

The usual procedure is:

Rep. X: “Mr. Speaker, I move the previous question.”

Speaker: “Representative X has moved the previous question. As many of you as are in favor of the previous question shall vote yes; those opposed shall vote no. The Clerk shall open the machine. 99 yeas, 2 nays, and the previous question is ordered. Representative Y is recognized to close the debate.”

End Consideration of Amendments

See House Rule 9.13

If adopted, no further amendments except the amendment pending at the time (and technical amendments) may be adopted. If an amendment is under debate and the motion is adopted, debate continues on that amendment. The motion is not in order when another member has the floor, is not debatable, and requires approval of a majority present and voting for adoption.

The usual procedure is:

Rep. X: “I move to end consideration by the House of amendments on this measure.”

Speaker: “Representative X moves to end consideration of amendments. Mr. Clerk, are there amendments pending at the desk?”

Clerk: (The Clerk advises the House of the amendments pending at the desk.)

Speaker: “Is there objection to the motion to end consideration of amendments? There is objection. As many of you as are in favor of ending consideration of amendments shall vote yes; those opposed shall vote no. The Clerk shall open the machine. 99 yeas, 2 nays, and the motion is adopted. The House will now consider the amendment.”

Previous Question on the Entire Subject Matter

See House Rule 9.10

The motion for the previous question on the entire subject matter closes debate on the main motion pending before the House when there are subsidiary motions or amendments. When adopted, the motion puts an end to debate and brings the House to a vote on any

Frequently Used Motions - In Debate

immediately pending subsidiary motion or amendment and then on the main question.

The motion is not debatable and requires approval of a majority present and voting for adoption. The motion is not in order when another member has the floor, when offered by a member who has made a motion subject to debate, nor when offered by a member at the conclusion of speaking on the motion under debate.

The usual procedure is:

Rep. X: “Mr. Speaker, I move the previous question on the entire subject matter.”

Speaker: “Representative X has moved the previous question on the entire subject matter. Mr. Clerk, are there amendments pending at the desk?”

Clerk: (The Clerk advises the House of the amendments pending at the desk.)

Speaker: “Is there objection to the motion for the previous question on the entire subject matter? There is objection. As many of you as are in favor of the previous question on the entire subject matter shall vote yes; those opposed shall vote no. The Clerk shall open the machine. 99 yeas, 2 nays, and the previous question on the entire subject matter is ordered. Representative Y is recognized to close.”

Postpone Indefinitely

See House Rules 9.5 and 9.14A(13)

The motion is used to kill a bill by postponing consideration without date. Adoption requires a favorable vote of a majority of those present, and the motion is debatable.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that (instrument) be indefinitely postponed.”

Speaker: “Representative X has offered a motion that (instrument) be indefinitely postponed. Is there objection to the motion? There is objection. As many of you as are in favor of indefinitely postponing (instrument) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Table or Lay on the Table

See House Rules 9.8 and 9.14A(12)

The motion to lay on the table is used to put aside the pending question but allows for consideration of the question to be resumed at a later time if the House expresses the will to do so by calling the matter from the table.

The motion is not debatable, and adoption requires the favorable vote of a majority of those present.

The usual procedure is:

Rep. X: “Mr. Speaker, I move to table the bill.”

Speaker: “Representative X has offered a motion to table (instrument). Is there objection? There is objection. As many of you as are in favor of tabling (instrument) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Frequently Used Motions - In Debate

Call from the Table

See House Rules 9.9 and 9.14A(5)

The motion allows the House to resume consideration of a matter that has been tabled. It may be used relative to any motion that has been tabled.

The motion requires the favorable vote of two-thirds of the members present and voting for adoption. It is debatable only if the motion to be called from the table is debatable.

The usual procedure is:

Rep. X: “Mr. Speaker, I move to call from the table (instrument).”

Speaker: “Representative X has offered a motion to call (instrument) from the table. Is there objection? There is objection. As many of you as are in favor of calling (instrument) from the table shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Return to the Calendar

See House Rule 8.20

This motion returns the measure to a general order of business for later consideration. According to custom and practice of the House, if the author or member handling a bill moves to return the bill to the calendar, the Speaker recognizes no objections, thus allowing the author to place the bill in limbo without interference. If a vote is taken, a majority of those present and voting is required to return a bill to a calendar. (*For "Call from the Calendar", see page 17.*)

The usual procedure is:

Rep. X: “Mr. Speaker, I move to return the bill to the calendar.”

Speaker: “Representative X has moved to return the bill to the calendar. Without objection. The bill is returned to the calendar. Next bill.”

Motions Related to Voting:

Record Vote

See House Rules 4.5 and 10.9

The constitution requires that the vote on final passage of a bill, to concur in Senate amendments, or to adopt a conference committee report must be a record vote and that a record vote shall be taken on any matter upon request of one-fifth (21) of the elected members. (*Const. Art. III, §15(F) and (G).*)

The usual procedure is:

Rep. X: “Mr. Speaker, I request a record vote on (describes question).”

Speaker: “Representative X has requested a record vote. Will 20 members join him? (Clerk opens the machine to record members wishing to join in the request for a record vote.) A record vote is evident.”

Lockout

See House Rule 4.5(C)

“Lockout” refers to the procedure for locking absent members' voting stations. The procedure may be initiated upon the demand of 21 or more members prior to any vote. When a sufficient number of members make the request, a quorum call is made, and the voting station of each member who does not answer the quorum call is locked before the vote is taken.

A successful lockout request creates a record vote on the question upon which the vote is to be taken and on each vote on any subsequent motion or motions subject to the previous question or the previous question on the entire subject matter.

The usual procedure is:

Rep. X: “Mr. Speaker, I request a lockout.”

Speaker: “A lockout has been called for. Will 20 members join in the request for a lockout? (Clerk opens the machine to record members wishing to join in the request for a lockout.) A lockout is ordered. Quorum call. The Clerk will open the machine for roll call. Are you through voting? The Clerk will close the machine.”

Reconsideration

See House Rule 9.11

The House may reconsider its adoption or rejection of a motion (however, under the rules a motion that has been reconsidered cannot be reconsidered a second time).

If the motion was adopted or rejected with a record vote, only a member who voted on the prevailing side (the side which received a plurality of the vote by which the motion was adopted or rejected) may offer the motion for reconsideration. If the motion was not adopted or rejected with a record vote, any member may offer the motion for reconsideration.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that the vote by which the amendments were adopted be reconsidered.”

Speaker: “Representative X moves that the vote by which the amendments to (instrument) were adopted be reconsidered. Is there objection? There is objection. As many of you as are in favor of reconsidering the vote by which the amendments to (instrument) were adopted shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

Table the Motion to Reconsider

See House Rule 9.11

The purpose of tabling the motion to reconsider is to prevent reconsideration. When a bill passes, the Speaker states that the member (usually the author or member handling the bill) “moves to reconsider the vote by which the bill finally passed and lay that motion on the table,” thereby “clinching” final passage—calling the motion to reconsider from the table would require a two-thirds vote of the members present. When a bill fails to pass because it received more nay votes than yea votes, the Speaker makes a similar statement (usually using the name of a member who opposed the bill) to "clinch" the failure of the bill.

Give Notice to Reconsider

See House Rule 9.11(C)

If the motion to reconsider the vote on the question of the passage, adoption, or concurrence in a legislative instrument is not laid on the table at the time the motion is made, the proponent of the motion must give notice that on the next legislative day he will insist upon the motion to reconsider, whereupon the motion shall lie over until the appropriate order of business for reconsideration during the Morning Hour of the next legislative day. This motion is usually used when a legislative instrument received more yea votes than nay votes but failed to receive the required number of votes for final passage or adoption.

The motion is then called in the appropriate Morning Hour for reconsideration on the next legislative day. At such time, a motion to table the motion to reconsider is in order. If reconsideration is granted, the instrument or report is returned to the calendar subject to call in the order of business to which it had otherwise last advanced.

If the motion to reconsider is made on the last legislative day or calendar day of a session, or the last legislative day or calendar day for consideration of bills on final passage, the motion need not lie over. If reconsideration is granted on the last day of a session, the instrument or report may not be considered again by the House until all other House instruments and reports on House instruments have been considered by the House or returned to the calendar subject to call.

The usual procedure is:

Speaker: (Announcing vote on final passage of a bill that failed to be adopted though it received more yeas than nays)
“Does the member desire to give notice of reconsideration?”

Rep. X: (Author indicates assent.)

Speaker: “The member does desire to give notice of reconsideration. Before the notice was given, the vote was 50 yeas, 48 nays, and the bill failed to pass.”

Change and Correction of Member’s Vote

See House Rule 10.8

A member may vote or change his vote but only by announcing his vote before the Speaker announces the result.

A member may seek the consent of the House to correct a vote record, but only if the request is made and granted on the same legislative day on which the vote was taken and only if the result will not be changed. The motion to seek consent to correct a vote record is a debatable motion.

Frequently Used Motions - Voting

The usual procedure is:

Rep. X: “I request the consent of the House to correct my vote on final passage of (instrument) from yes to no.”

Speaker: “Without objection, so ordered.”

*** Motions in Brief**

** This table is based on the motion table in House Rule 9.14A*

Motion	Debatable	Opens Main Question to Debate	Can be Amended by a Substitute Motion (1)	Can be Reconsidered (14)	Vote Required (2)	In Order When Another Has Floor
(1)	No	No	Yes	No	M	No
(2) reprimand	No (3)	No	No	Yes (4)	M (5)	Yes
(3)	Yes (3, 6)	No	No	Yes (4)	M (5)	Yes
(4)	No (24)	No	No	No	M	No
(5)	(15)	(15)	No	No	2/3	No
(6)	No	No	No	Yes	(7)	Yes
(7) without regard to its numerical order	No (24)	No	Yes	Yes	2/3	No

Motions in Brief - Table

Motion	Debatable	Opens Main Question to Debate	Can be Amended by a Substitute Motion (1)	Can be Reconsidered (14)	Vote Required (2)	In Order When Another Has Floor
(8)	Yes	Yes	Yes	Yes (9)	M	No
(9)	Yes (22)	No	Yes	Yes	ME	No
(10) amendments	No	No	No	Yes	M	No
(11) after indecorum	No	No	No	Yes	M	No
(12)	No	No	No	(8)	M	No
(13)	Yes	Yes	No	Yes	M	No
(14)	No	No	No	No	M	No
(15) subject matter (11)	No	No	No	No	M	No
(16)	No	No	No	Yes	M	No

Motion	Debatable	Opens Main Question to Debate	Can be Amended by a Substitute Motion (1)	Can be Reconsidered (14)	Vote Required (2)	In Order When Another Has Floor
(17) committee & recommit to another committee (16)	Yes (22)	No	(17)	Yes	ME	No
(18) motion	Yes	Yes	No	No (13)	M	No
(19) question	No	No	No	No (13)	M	No
(20)	Yes	Yes	Yes	Yes (9)	M	No
(21) committee report - motion which effect is to	Yes	No	Yes	Yes	ME (21)	No
(22) subject to call	No	No	No	No	M	No

Motion	Debatable	Opens Main Question to Debate	Can be Amended by a Substitute Motion (1)	Can be Reconsidered (14)	Vote Required (2)	In Order When Another Has Floor
(23) equals adjournment)	No	No	No	No	M	No
(24) place a matter in (10)	Yes (10)	No	Yes	Yes	M (23)	No
(25) (19,20,24, 25)	No (10,19,24, 25)	No	No	No	2/3 (20,24,25)	No
(26) Take a recess	No	No	Yes	No	M	No
(27) Take up order of the day	No (10)	No	No	Yes	(10)	Yes
(28) Withdrawal of a motion	No	No	No	Yes	(12)	No

* This table is based on the motion table in House Rule 9.144, but includes additional motions and information not included in that rule.

Explanation of Table

"Yes" shows that the rule heading the column in which it stands applies to the motion opposite to which it is placed. "No" shows that the rule does not apply. A figure shows that the rule only partially applies--the figure referring to the note showing the limitation. Take, for example, "Lay on the Table." The table shows that it is undebatable, does not open main question, cannot be amended, an affirmative vote (as discussed in note No. 8) cannot be reconsidered, requires a majority vote, and is not in order when another has the floor.

Notes to Table Relating to Motions

The following notes are applicable to the motions table:

- (1) Since motions are never amended in the House, this heading is somewhat misleading. What is meant is that the motion can be altered in some respect by a substitute motion – for example, the motion to lay on the table cannot be altered by a substitute motion, but the motion to fix the time and day to which to adjourn can be altered by a substitute motion by naming another day and/or time.
- (2) Vote required: M – Majority of those present; ME – Majority of elected members; 2/3 – two-thirds of those present.
- (3) An appeal is undebatable only when relating to indecorum or to transgressions of the rules of speaking or to the priority of business or when made while the previous question is pending.
- (4) An appeal may be reconsidered, but when the subject matter upon which the appeal was taken has been disposed of, and it is impossible for the House to reverse its action, it is too late to move to reconsider the appeal.

Motions in Brief - Table

- (5) A tie vote sustains the ruling of the Chair, regardless of whether the question is put to sustain or overrule the Chair, since a majority is required to overrule. Any sustained ruling of the chair may not be appealed on the same legislative day on the same point of order, except by a 2/3rds vote.
- (6) No member shall speak more than once on an appeal unless by leave of the House (*House Rule 9.12*). See also Note 3, above.
- (7) If any member, in speaking or otherwise, transgresses the rules of the House, the presiding officer shall, or any member may, call him to order (*House Rule 5.2*).
- (8) An affirmative vote on this motion cannot be reconsidered.
- (9) Cannot be reconsidered when in committee (*House Rule 6.13*). House Rule 6.13 sets forth procedures to effect a mandatory report by committee or discharge and recommittal.
- (10) A matter of right; it would require a vote equivalent to a suspension of the rules to proceed otherwise. Generally, questions regarding the priority of business are not debatable; however, a motion to suspend House Rule 8.6 regarding the order of business and the placement of a legislative instrument on special order for the succeeding day is debatable.
- (11) The previous question on the entire subject matter, if adopted, cuts off debate and brings the House to a vote on the pending questions in their order until the main question is reached, which shall be at once, disposed of. But its only effect, if a motion "to postpone" is pending, is to bring the House to a vote upon such motion. Motion for

- previous question on the entire subject matter is not applicable in the Committee of the Whole.
- (12) A matter of right, except in the case of the motion to reconsider (*See House Rule 9.2*).
- (13) A motion which has been reconsidered cannot be reconsidered a second time (*House Rule 9.11*).
- (14) A rejected motion, although it be of a class that cannot be reconsidered, can nonetheless be renewed, after progress in debate or the transaction of any business, provided the renewal is not dilatory.
- (15) *See House Rule 9.9(B)*.
- (16) Motion to refer to another committee is not in order unless the author and chair of committee of original referral are in the chamber (*See House Rule 6.5 and, for prefiled bills, House Rule 7.2*).
- (17) Motion to recall or discharge an instrument from committee can not be amended; however, the motion to recommit an instrument to another committee can be amended.
- (18) Motion for previous question is not in order when offered by a member who has made a motion subject to debate or by a member at the conclusion of speaking on the motion under debate, nor, if members in opposition to the main motion have requested to speak and at least one member in opposition to the main motion has not been recognized to speak (*See House Rule 9.10(H)*).
- (19) Motion to suspend House Rule 6.10(B) regarding rescheduling deferred legislation in committee is a debatable motion.

Motions in Brief - Table

- (20) House Rule 8.15(C) allows certain time limitations and procedural requirements relative to a conference committee report on the General Appropriation Bill contained in House Rule 8.15(B) to be waived with a majority vote of the elected members (ME).
- (21) Motion the effect of which is to reject the recommendation of a committee report on a legislative instrument requires a majority of the elected members, except for a motion to recommit, postpone indefinitely, or withdraw from the files of the House which requires a majority of those present and voting (*See House Rule 6.11(D)*).
- (22) It is not in order to debate the merits of the legislation; debate must be confined strictly to the motion.
- (23) Additionally requires the recommendation of placement of the legislative instrument on Special Order by the standing committee which reported the instrument. Changing the order of precedence of legislative instruments on Special Order requires vote of 2/3rds of those present.
- (24) House Rule 8.21 generally requires question of the consideration a conference committee report to lie over until the next legislative day after the receipt of the conference committee report with certain exceptions and provides that a motion to suspend such requirement on the last legislative day of a session requires the favorable vote of a majority of the elected members (ME). A motion to suspend the provisions of House Rule 8.21, which includes the requirements that the question of the consideration of a conference committee report lie over until the next legislative day after the receipt of the conference committee report and that the Clerk place each conference committee report on the calender in the order in which it is received, is a debatable motion.

- (25) Motion to suspend House Rule 11.6, requiring certain information relative to amendments to the General Appropriation Bill, is debatable and may be adopted by a majority of elected members (ME). House Rule 7.9 (C), requiring the General Appropriation Bill to be in a certain form, may be suspended by a majority of elected members (ME).

Other Motions and Vote Requirements:

- (1) Elect/Remove Speaker, Pro Tempore, Clerk (ME) (*House Rules 2.3, 2.4, 2.7, and 2.9*)
- (2) Recommit a bill which has already been recommitted by motion once (2/3) (*House Rule 8.18*)
- (3) Dispense with reading of Journal (M) (*House Rule 12.5*)
- (8) Return to rules when suspension of rules is beyond one action (M) (*House Rule 13.2(B)*)

MORNING HOUR

See House Rules 8.1, 8.7 through 8.14 generally

Morning Hour refers to the orders of business in which the House primarily attends to housekeeping matters and advances instruments in the legislative process. These orders of business are:

- (1) Roll Call
- (2) Prayer
- (3) Pledge of Allegiance
- (4) Reading of the Journal
- (5) Petitions, Memorials, and Communications
- (6) Introduction of Resolutions
- (7) Introduction of Bills
- (8) Senate Bills on First Reading
- (9) Reports of Committees
- (10) House and House Concurrent Resolutions Lying Over
- (11) Senate Concurrent Resolutions Lying Over
- (12) House Bills on Second Reading to be Referred to Committee
- (13) Senate Bills on Second Reading to be Referred to Committee
- (14) House and House Concurrent Resolutions Reported by Committee
- (15) Senate Concurrent Resolutions Reported by Committee
- (16) House Bills on Second Reading Reported by Committee
- (17) Senate Instruments on Second Reading Returned from the Legislative Bureau
- (18) Senate Bills on Second Reading Reported by Committee
- (19) Reconsideration
- (20) Special Order
- (21) Reconsideration of Vetoed Bills

Morning Hour

Morning Hour No. 1 - Roll Call

The usual procedure is:

Speaker: “The House will come to order. The Clerk will open the machine for roll call. Members vote your machines. Are you through voting? The Clerk will close the machine. 105 members present and a quorum.”

Members indicate their presence by voting their machines. A quorum (a majority of the elected members or at least 53 members) must be present for the House to transact business.

Leaves of Absence

See House Rules 4.1 through 4.6

The usual procedure is:

Clerk: “Mr. Speaker, Representative X requests a leave of absence of one day for Representative Y.”

The request for leave is made for an absent colleague. It can be made at any point during the floor proceedings when another member does not have the floor. The journal lists leaves of absence for the day at the end of the proceedings for that day.

Morning Hour No. 2 - Prayer

The usual procedure is:

Speaker: “The House will be opened with a prayer by _____. Please rise.”

Members rise and bow their heads for the prayer.

Morning Hour No. 3 - Pledge of Allegiance

The usual procedure is:

Speaker: “Representative X will lead the House in reciting the Pledge of Allegiance.”

Any member may be called to do this. The member called leads the pledge from his own seat. All members and guests recite the pledge of allegiance.

Morning Hour No. 4 - Reading of the Journal

See House Rules 12.1 through 12.5, particularly House Rule 12.5

The usual procedure is:

Speaker: “Morning Hour No. 4 - Reading of the Journal.”

Clerk: “Baton Rouge, Louisiana . . . (continues to read from the journal).”

Speaker: “Representative X (Speaker selects the name of a member to make this motion) moves to dispense with the reading of the journal. Without objection, so ordered. The same member moves to adopt the journal, without objection, so ordered.”

Morning Hour No. 5 - Petitions, Memorials, and Communications

The usual procedure is:

Speaker: “Petitions, memorials, and communications.”

Clerk: (Clerk reads, in full or in part, any petitions, resolutions, or other communications sent to the House - such as those from other legislatures.)

Morning Hour

Morning Hour No. 6 - Introduction of Resolutions

The Clerk reads the resolutions by title; no further action is taken on the resolution that day.

For the House to refer a resolution just introduced to committee or to consider the adoption of the resolution upon introduction, a suspension of the rules is necessary. Since this order of business is generally handled very quickly, the member usually makes the presiding officer (or the Clerk) aware in advance that he wishes to make such a motion. Then, though the member does not actually make the motion, the Clerk and Speaker state that the member has made the motion. Of course, the member may rise and actually make the motion when he is recognized by the Speaker.

The usual procedure is:

Clerk: (If the member wishes to refer the resolution to committee at this time) “Mr. Speaker, Representative X moves the rules be suspended for the purpose of referring the resolution to committee at this time.”

Speaker: “Representative X moves for a suspension of the rules to refer the resolution at this time. Is there any objection? Without objection, so ordered. Under the rules, referred to the Committee on (name of committee).”

or

Clerk: (If the member wishes to consider the adoption of the resolution at this time) “Mr. Speaker, Representative X moves the rules be suspended for the purpose of considering the adoption of the resolution at this time.”

Speaker: “Representative X moves for a suspension of the rules for the purpose of considering the adoption of the resolution at this time. Is there any objection? Without objection, the resolution stands adopted.”

Morning Hour No. 7 - Introduction of Bills

The Clerk reads the bills by title and each is given a number and no further action on those bills is taken that day. (This is first reading.)

A member may move for a suspension of the rules for the purpose of referring one, some, or all of the bills introduced.

The usual procedure is:

Rep. X: “Mr. Speaker, I move to suspend the rules to refer (instrument) to committee at this time.”

Speaker: “Representative X moves for a suspension of the rules for the purpose of referring (instrument) to committee at this time. Without objection, so ordered. Under the rules, referred to Committee on (name of committee).”

Morning Hour No. 8 - Senate Bills on First Reading

The same procedure applies as for introduction of House bills.

Morning Hour No. 9 - Reports of Committees

The Clerk merely reads the committee reports and no further action is taken. (This normally occurs at the end of the day during procedural wrap-up.) Rarely, the rules may be suspended to consider one or more of the instruments contained in one or more of the reports just read.

It is at this point that Senate bills (not joint resolutions) reported favorably or with amendments by committee are automatically referred to the Legislative Bureau. When reported by the Legislative Bureau, committee and Legislative Bureau amendments, if any, are adopted, and the bills are passed to third reading (or other action taken) in Morning Hour No. 17.

Morning Hour

Morning Hour No. 10 - House and House Concurrent Resolutions Lying Over

and

Morning Hour No. 11 - Senate Concurrent Resolutions Lying Over

The usual procedure is:

Clerk: (Reads the resolution.)

Speaker: “Under the rules, referred to the Committee on (name of first committee).”

or, if a member objects to the referral by the Chair and wishes to move that the resolution be referred to another committee:

Rep. X: “Mr. Speaker, I object and move that the resolution be referred to the Committee on (name of second committee).”

Speaker: “Representative X objects to the referral of (instrument) to the Committee on (name of first committee) and moves that the resolution be otherwise referred to the Committee on (name of second committee), to which motion there is objection. As many of you as are in favor of referring the resolution to the Committee on (name of second committee) shall vote yes; those opposed shall vote no. The Clerk shall open the machine.”

A majority of those present and voting is required to adopt this motion (*see House Rule 6.5(A)*).

A member may ask for a suspension of the rules to consider the adoption of a resolution in this order, rather than following the rules and referring it to committee. This is usually done for noncontroversial matters, i.e., resolutions to commend or to express condolences. A member may request the reading of such

a resolution in full, particularly if the person(s) being commended are present in the Chamber. *(See discussion and example of this under “Morning Hour No. 6 - Introduction of Resolutions” on page 46.)*

Morning Hour No. 12 - House Bills on Second Reading to be referred to Committee

and

Morning Hour No. 13 - Senate Bills on Second Reading to be referred to Committee

The usual procedure is the same as for House and House Concurrent Resolutions Lying Over as described above, *except* that it is not possible to suspend the rules to consider final passage of a bill since three readings on three separate days and a committee hearing and report are required (*see Const. Art. III, §15(D)*).

Morning Hour No. 14 - House and House Concurrent Resolutions Reported by Committee

The Clerk reads the resolutions by title together with the committee’s recommendations. After each, the Speaker moves them on to their next order.

The usual procedure is:

Speaker: (If reported favorably) “Representative X (Committee Chair) moves the resolution be engrossed and passed to its third reading. Without objection, so ordered.”

or, if reported with amendments:

Speaker: “Representative X (Committee Chair) moves to adopt the amendments, and moves the resolution be ordered engrossed and passed to its third reading. Without objection, so ordered.”

Morning Hour

or, if reported with amendments with recommendation to be recommitted:

Speaker: “Representative X (Committee Chair) moves to adopt the amendments and moves the resolution be ordered engrossed and be recommitted to the Committee on (name of committee). Without objection, so ordered.”

or, if reported favorably or without action with recommendation to be recommitted:

Speaker: “Representative X (Committee Chair) moves the resolution be recommitted to the Committee on (name of committee). Without objection, so ordered.”

or, if reported unfavorably:

Speaker: “Representative X (Committee Chair) moves the resolution be withdrawn from the files of the House. Without objection, so ordered.”

or, if there is objection:

“There is objection. As many of you as are in favor of withdrawing the resolution from the files of the House shall vote yes; those opposed shall vote no. The Clerk shall open the machine. The Clerk shall close the machine. 99 yeas, 2 nays, and the resolution is withdrawn from the files of the House.”

Morning Hour No. 15 - Senate Concurrent Resolutions Reported by Committee

The Clerk reads the resolutions by title together with the Committee’s recommendations. After each, the Speaker moves them on to their next order.

The usual procedure is:

Speaker: “Representative X (Committee Chair) moves the resolution be passed to its third reading. Without objection, so ordered.”

or, if reported with amendments:

Speaker: “Representative X (Committee Chair) moves to adopt the amendments and moves the resolution be passed to its third reading. Without objection, so ordered.”

or, if reported with amendments with recommendation to be recommitted:

Speaker: “Representative X (Committee Chair) moves to adopt the amendments and moves the resolution be recommitted to the Committee on (name of committee). Without objection, so ordered.”

or, if reported favorably or without action with recommendation to be recommitted:

Speaker: “Representative X (Committee Chair) moves the resolution be recommitted to the Committee on (name of committee). Without objection, so ordered.”

or, if reported unfavorably or without action:

Speaker: “Representative X (Committee Chair) moves the resolution be indefinitely postponed (or alternatively, moves the resolution be tabled). Is there any objection? Without objection, so ordered.”

or, if there is objection:

“There is objection. When the Clerk opens the machine, as many of you as are in favor of indefinitely

Morning Hour

postponing (or tabling) this resolution shall vote yes, all opposed shall vote no. The Clerk shall open the machine. The Clerk shall close the machine. 99 yeas, 2 nays, and the resolution is indefinitely postponed (or tabled).”

Morning Hour No. 16 - House Bills on Second Reading Reported by Committee

The Clerk reads the bill by title with the recommendation of the committee.

The usual procedure is:

Speaker: (If reported favorably) “Representative X (committee chair) moves the bill be ordered engrossed and passed to its third reading. Without objection, so ordered.”

or, if reported with amendments:

Speaker: “Representative X (committee chair) moves to adopt the amendments and moves the bill be ordered engrossed and passed to its third reading. Without objection, so ordered.”

or, if reported with amendments with recommendation to be recommitted:

Speaker: “Representative X (committee chair) moves to adopt the amendments and moves the bill be engrossed and recommitted to the Committee on (name of committee). Without objection, so ordered.”

or, if reported favorably or without action with recommendation to be recommitted:

Speaker: “Representative X (committee chair) moves the bill be recommitted to the Committee on (name of committee). Without objection, so ordered.

or, if reported unfavorably:

Speaker: “Representative X (committee chair) moves the bill be withdrawn from the files of the House. Without objection, so ordered.”

or, if there is objection:

“Representative X objects and offers a substitute motion that the bill be engrossed and passed to its third reading. Is there objection to the substitute motion? There is objection. As many of you as are in favor of the substitute motion to engross the bill and pass it to third reading shall vote yes; those opposed shall vote no. The Clerk shall open the machine. The Clerk shall close the machine. 99 yeas, 2 nays, and the bill is ordered engrossed and passed to its third reading.”

or, if reported by substitute:

Speaker: “Representative X (committee chair) moves to adopt the title of the substitute. The Clerk will read the substitute title.”

Clerk: (Reads title.)

Speaker: “Lies over under the rules, in this order of business.”

or, for substitute bill on second reading:

Speaker: “Representative X (committee chair) moves the bill be ordered engrossed and passed to its third reading. Without objection, so ordered.”

Morning Hour

Morning Hour No. 17 - Senate Instruments on Second Reading Returned from the Legislative Bureau

The Clerk reads the instrument by title along with the Committee recommendations and the Bureau recommendations.

The usual procedure is:

Speaker: (If reported favorably and without amendments from the Bureau) “Representative X (committee chair) moves the bill be passed to its third reading. Without objection, so ordered.”

or, if reported with committee and/or Bureau amendments:

Speaker: “Representative X (committee chair) moves to adopt the amendments and moves to pass the bill to its third reading. Without objection, so ordered.”

Morning Hour No. 18 - Senate Bills on Second Reading Reported by Committee

Only Senate bills reported unfavorably, with recommendation to be recommitted, or joint resolutions (proposed constitutional amendments) will appear in this Order of Business.

The usual procedure is:

Speaker: (If reported favorably (joint resolutions only)) “Representative X (committee chair) moves to refer the bill to the Committee on Civil Law and Procedure.”

or, if reported with amendments (joint resolutions only):

Speaker: “Representative X (committee chair) moves to adopt the amendments and refer the bill to the Committee on Civil Law and Procedure.”

or, if reported unfavorably:

Speaker: “Representative X (committee chair) moves the bill be indefinitely postponed (or alternatively, moves the bill be tabled). As many of you are in favor of indefinitely postponing (or tabling) the bill shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 2 nays, and the bill is indefinitely postponed (or tabled).”

or, if reported favorably or without action with recommendation that it be recommitted to another committee:

Speaker: “Representative X (committee chair) moves the bill be recommitted to the Committee on (name of committee). Without objection, so ordered.”

or, if reported with amendments with recommendation that it be recommitted to another committee:

Speaker: “Representative X (committee chair) moves the amendments be adopted and the bill be recommitted to the Committee on (name of committee). Without objection, so ordered.”

Morning Hour No. 19 - Reconsideration

See House Rule 9.11

The Clerk reads the bill or resolution (or other motion) and the vote by which it failed to pass. (The motion to reconsider the vote would have been made and not have been tabled, and notice would have been given on the previous legislative day that the member would insist on the motion to reconsider.) It is also possible to reconsider a vote by which an instrument or motion passed, though that is uncommon. Only a member voting on the side which received the plurality of the vote may make the motion to

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reconsider. (*Also see discussion on page 31, and see “Regular Order No. 6 on page 62.”*)

The usual procedure is:

Clerk: “Representative X moves to reconsider the vote by which (instrument) failed to pass on yesterday.”

Speaker: “Without objection, so ordered. Returned to the Calendar under the Rules.”

A motion to table the motion is also in order at this time, to kill the bill.

The usual procedure is:

Rep. Y: “I move that the motion to reconsider be tabled.”

If the motion to reconsider is adopted, the instrument is returned to the calendar in the appropriate order, usually final passage. A motion to suspend the rules for the purpose of considering the instrument at this time must be adopted in order to vote on the instrument in this order of business.

Morning Hour No. 20 - Special Order

See House Rules 8.4 through 8.6

Instruments placed in Special Order are considered on final passage in this order of business. If not acted upon in this order of business, any such instrument is returned to the calendar in the order to which it was otherwise last advanced. (Also see page 21.)

Morning Hour No. 21 - Reconsideration of Vetoed Bills

See House Rule 8.22

In this order, the Clerk reads the title of bills vetoed by the governor for which the veto message has been read (on a prior legislative day, except on the last calendar or legislative day of a

session or under a suspension of the rules when reconsideration of vetoed bills may occur on the same day the message is received). A motion to sustain the governor's veto or to pass the bill subsequent to the governor's veto is a debatable motion. The usual procedure is for the Speaker to recognize the governor's floor leader who, after debate, will close on a motion to sustain the governor's veto. Of course, it is possible for the author or another member to offer a substitute motion "to pass subsequent to the governor's veto."

The usual procedure is:

Speaker: "As many of you as are in favor of sustaining the veto of the governor shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you finished voting? The Clerk shall close the machine. 99 yeas, 2 nays, and the veto of the governor is sustained.

or

Speaker: "As many of you as are in favor of passing (instrument) subsequent to the veto of the governor shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you finished voting? The Clerk shall close the machine. 2 yeas, 99 nays, and the veto of the governor is sustained."

A vetoed bill must be subsequently approved by two-thirds of the elected members of each house to become law (*Const. Art. III, §18(C)*).

REGULAR ORDER OF THE DAY

See House Rules 8.2, 8.3, 8.6, 8.8, 8.9, 8.10, 8.16 through 8.21

In general, the orders of business included in the Regular Order of the Day are those in which final disposition of instruments takes place. Most debate on final passage occurs in these orders. The orders of business in the Regular Order are:

- (1) House and House Concurrent Resolutions on Third Reading for Final Consideration
- (2) Senate Concurrent Resolutions on Third Reading for Final Consideration
- (3) House Concurrent Resolutions Returned from the Senate with Amendments
- (4) House Bills Amended by the Senate to be Concurred in by the House
- (5) House Bills on Third Reading and Final Passage
- (6) Senate Bills on Third Reading and Final Passage
- (7) Conference Committee Reports for Consideration

Regular Order No. 1 - House and House Concurrent Resolutions on Third Reading for Final Consideration

and

Regular Order No. 2 - Senate Concurrent Resolutions on Third Reading for Final Consideration

The Clerk reads the title of the resolution. The author explains the measure and it is debated.

Speaker: “Representative X has moved final adoption of (instrument). As many of you as are in favor of the final adoption of the resolution shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 6 nays, and the resolution has been adopted.”

Regular Order of the Day

Regular Order No. 3 - House Concurrent Resolutions Returned from the Senate with Amendments

and

Regular Order No. 4 - House Bills Amended by the Senate to be Concurred in by the House

All Senate amendments on an instrument are adopted or rejected; there is no procedure for adopting some and rejecting some. The constitution (Art. III, §15) requires a record vote on concurrence in amendments to Bills (though not to resolutions - except those having the effect of law). If the amendments are rejected, a conference committee is appointed on the instrument.

The usual procedure is:

Clerk: (The Clerk reads the title of the resolution or bill with the type of amendments proposed by the Senate.)

Rep. X: (The author begins and closes debate.)

Speaker: “Representative X moves to concur in the Senate amendments, as many of you as are in favor of concurring in the Senate amendments shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 6 nays, and the amendments stand concurred in.”

Regular Order No. 5 - House Bills on Third Reading and Final Passage

and

Regular Order No. 6 - Senate Bills on Third Reading and Final Passage

The Clerk reads the title. The author explains the measure and it is debated.

The usual procedure is:

Speaker: “Representative X (author or member handling bill) has moved final passage of the bill. As many of you as are in favor of final passage shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 6 nays, and the bill has finally passed. Representative X moves to reconsider the vote by which the bill finally passed and lay that motion on the table. Without objection, so ordered.”

or, if the bill failed to pass, but received more yeas than nays:

Speaker: “Does the member desire to give notice of reconsideration? (Only the author or member who handled the bill can move to reconsider.) The member does desire to give notice of reconsideration. Before the notice was given, the vote was 50 yeas and 49 nays, and the bill failed to pass. Lies over.”

or, if the bill failed to pass and received fewer yeas than nays:

Speaker: “6 yeas, 99 nays, and the bill has failed to pass. Representative X moves to reconsider the vote by which the bill failed to pass and lay that motion on the table. Without objection, so ordered.”

(For more on reconsideration, see page 31, and “Morning Hour No. 19 on page 57.)

Regular Order No. 7 - Conference Committee Reports for Consideration

See House Rules 8.21, 7.11, 8.15, and 8.2(A)(7)

When a conference committee report is received, the Clerk gives notice of receipt of the report as soon as he can without

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interrupting business. It lies over until Regular Order No. 7 the next day. On the last day of the session, a conference committee report which is confined to resolving the differences between the two houses and technical amendments or which is on a legislative judicial or supplemental appropriation bill, the Capital Outlay Bill, or the omnibus bond authorization may be considered upon adoption of a motion by any member. The motion can be made at any time unless another motion or instrument is then pending.

For every other conference committee report received on the last day, in order to be considered, the requirement that such report lie over must be suspended. A motion to suspend the requirement is a debatable motion and requires the favorable vote of a majority of the elected members (53).

The usual procedure is:

Clerk: (The Clerk reads the conference committee report.)

Rep. X: (The author is recognized to begin debate; the author closes.)

Speaker: “Representative X moves the adoption of the conference committee report. As many of you as are in favor of the adoption of the report shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 99 yeas, 6 nays, and the conference committee report is adopted. (This is a record vote.)

or, for conference committee reports received on last day:

Clerk: “Members we are in receipt of a conference committee report on (instrument) by Representative X relative to _____ to provide for _____ signed by five conferees which report is confined to resolving the differences between the two houses.”

Speaker: (The Speaker recognizes Representative X for the floor on the conference committee report.)

or, for conference committee reports which are not confined:

Clerk: “Members we are in receipt of a conference committee report on (instrument) by Representative X relative to _____ to provide for _____ signed by six conferees which report contains new matter and Representative X moves to suspend the rules in order to take up consideration of the conference committee report on (instrument) at this time.”

Speaker: (The Speaker recognizes Representative X for the floor on his motion to suspend the rules.)

Rep. X: (Discussion by Representative X in support of his motion.)

Speaker: (If there is objection to the motion, Speaker recognizes Representative Y for the floor to speak in opposition to the motion and may recognize any other member who has requested the floor on the motion. Speaker recognizes Representative X to close on his motion to suspend the rules.)

Rep. X: (Representative X closes.)

Speaker: "Representative X moves to suspend the rules to allow the consideration of the conference committee report on (instrument). As many of you as are in favor of suspending the rules to allow the consideration of the conference committee report shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 56 yeas and 47 nays and the rules are suspended. (Speaker recognizes Representative X for the floor on the conference committee report.)”

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or

Speaker: "Representative X moves to suspend the rules to allow the consideration of the conference committee report on (instrument) to which there is objection. As many of you as are in favor of suspending the rules to allow the consideration of the conference committee report shall vote yes; those opposed shall vote no. The Clerk shall open the machine. Are you through voting? The Clerk shall close the machine. 49 yeas and 53 nays and the rules are not suspended. Next matter Mr. Clerk."

It has been established that the right of reconsideration exists with respect to a conference committee report which receives insufficient votes for adoption. However, the Senate traditionally does not reconsider the vote on a conference committee report. It is possible to recommit a bill to a conference committee, but only if both houses agree to recommit. Recommittal by only one house effectively kills the bill.

COMMITTEE OF THE WHOLE

See House Rules 6.18 through 6.25 and 8.15

The Committee of the Whole is the entire membership of the House of Representatives acting in the capacity of committee to consider the General Appropriation Bill or other matters. A member named by the Speaker serves as chairman (it is customary for the Speaker to appoint the member with the most years of service in the House). Debate on the General Appropriation Bill proceeds seriatim, that is, clause by clause or item by item, in the order of the bill.

The Committee of the Whole permits less formal discussion of any question that the entire House could consider acting under its ordinary rules of procedure, and it also allows the House to hear testimony from persons who are not members of the House.

The usual procedure is:

Rep. X: “Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole for the purpose of considering (subject).”

Speaker: “Without objection, so ordered.”

Speaker: “Representative (names Chairman).”

Amendments in Committee

The usual procedure is:

Chairman: “Representative X sends up amendments. The Clerk will read the amendments. Is there any discussion on the amendments? Is there any objection to the amendments? Hearing none, the amendments stand adopted. Are there any further amendments?”

Committee of the Whole

Rising of Committee

The usual procedure is:

Rep. X: “Mr. Chairman, I move that the Committee of the Whole do now rise.”

Chairman: “Representative X (author of the bill) moves that the committee rise and report progress. Without objection, so ordered.”

Speaker: “The House, as a committee of the whole House, has reported (instrument) with amendments. What is the pleasure of the House? Representative X moves to adopt the committee amendments. Without objection, so ordered. The same member moves the House take up on final passage (instrument). Representative X.”

Committee report is optional. A report is unnecessary and should be avoided unless used in lieu of a standing committee report when a bill has been recalled from a committee and has not been recommitted to a standing committee. (*See Discharge a Committee on page 13.*)

If a report is made by the Committee of the Whole during Third Reading and Final Passage, it is unnecessary for the House to adopt it. (Any amendments, however, must be adopted.) If a report is made by the Committee of the Whole functioning in lieu of a standing committee during second reading, it will be necessary for the Committee to report as would a standing committee. The report would be treated like any other committee report (i.e., engross and pass to third reading, if favorable).