

**IOWA CONSTITUTIONAL AND LEGISLATIVE RULE PROVISIONS  
OF CONSEQUENCE TO THE DRAFTING AND STAFFING FUNCTIONS  
OF THE LEGAL SERVICES DIVISION OF THE LEGISLATIVE SERVICES AGENCY**  
(Updated October 2013; see HCR 5, SR 5, and HR 7, 2013 Session)

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# **I. CONSTITUTIONAL PROVISIONS RELATING TO THE GENERAL ASSEMBLY**

The Constitution of the State of Iowa contains numerous provisions of significance to the Iowa General Assembly's constitutional lawmaking powers.

## **A. BILL OF RIGHTS**

### **1. Equal Protection and Due Process**

Article I contains equal protection and due process guarantees which provide that all laws of a general nature must have a uniform operation and that the General Assembly must grant privileges and immunities equally to all citizens, and which provide that persons shall not be deprived of life, liberty, or property without due process of law. (Sections 6 and 9)

### **2. Other Civil and Criminal Protections**

#### *a. Civil Protections*

The article provides protections for religious freedom; for free speech and press; for assembly and petition; against imprisonment for debt; against taking of property without just compensation and against impairment of contractual obligations; and for property rights of resident aliens. (Sections 3, 4, 7, 18, 19, 20, 21, and 22)

#### *b. Criminal Protections*

The article provides protections against unreasonable searches and seizures; for speedy trial and for trial by jury; against double jeopardy; against bills of attainder and ex post facto laws; against excessive fines and bail and against cruel and unusual punishment; and for writs of habeas corpus. (Sections 8, 9, 10, 12, 13, 17, and 21)

## **B. RIGHT OF SUFFRAGE**

Article II guarantees the rights of citizens of the United States who are at least 21 years of age and who are residents of Iowa for no longer than six months and of a county for no longer than 60 days to vote in all elections. All elections shall be by ballot. (Sections 1 and 6)

## **C. SEPARATION OF POWERS AND THE LEGISLATIVE BRANCH**

### **1. Separation of Powers**

Article III separates the powers of the state government into the legislative, executive, and judicial branches and provides that no person shall generally exercise powers in more than one branch. (Section 1 of the Distribution of Powers)

### **2. Legislative Authority**

The legislative authority of the state is vested in the General Assembly which consists of a Senate and a House of Representatives. Each house has broad authority to determine its rules of proceedings and to choose its own officers and judge the qualifications, elections, and returns of its own members. A majority of each house is needed to transact business and the assent of a majority of all members is needed to pass any bill. Local or private purpose bills require a two-thirds vote for approval. Votes on bills must be recorded in the house journals and members must be afforded the opportunity to dissent from or protest any act or resolution and to have the votes of members on any question recorded in the journals if requested by two members. (Sections 1, 7, 8, 9, 10, 17, and 31)

The Constitution of the State of Iowa is the supreme law of the state, and any inconsistent law shall be void. The General Assembly shall pass all laws necessary to carry the constitution into effect. (Article XII, section 1)

### **3. Regular and Special Sessions**

The General Assembly convenes annually in regular session on the second Monday of January. The Governor may convene a special session of the General Assembly by proclamation. The General Assembly shall convene in special session upon the written request of two-thirds of the members of each house. (Section 2; see also Art. IV, Section 11)

### **4. Lawmaking**

All laws shall be general and of uniform operation throughout the state. The passage of local or special laws is restricted. Each bill must embrace only one subject which subject must be expressed in the bill's title. Unless a bill provides a different effective date, bills take effect July 1 following passage during a regular session and approval by the Governor before July 1, or 90 days after adjournment of a special session. No money may be drawn from the state treasury unless the money is appropriated by law. The General Assembly may nullify administrative rules of a state agency without approval of the Governor. (Sections 24, 26, 29, 30, and 40 )

### **5. Home Rule**

Cities and counties are granted the power and authority to determine their local affairs and government, not inconsistent with the laws of the General Assembly, except that they only have the power to levy taxes if expressly authorized to do so by the General Assembly. (Sections 38A and 39A)

### **6. Veto Overrides**

The Governor may veto any bill in whole or any appropriation bill in whole or in part by disapproving any item of the appropriation bill. The General Assembly may override any veto or item veto of the Governor by a two-thirds vote of both houses. (Section 16)

## **D. GOVERNOR AND THE EXECUTIVE BRANCH**

### **1. Executive Authority**

Article IV provides that the Governor shall take care that the laws are faithfully executed. (Section 9)

### **2. Special Sessions**

The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state the purpose for the convening of the General Assembly. (Section 11)

## **E. SUPREME COURT AND THE JUDICIAL BRANCH**

### **1. Judicial Authority**

Article V provides that the judicial power is vested in a supreme court, district courts, and such other courts as the General Assembly may establish. (Section 1)

### **2. System of Court Practice**

The General Assembly shall provide for a general system of practice in all state courts. The Supreme Court shall exercise supervisory and administrative control over all inferior judicial tribunals. (Sections 4 and 14)

## **F. STATE DEBTS AND TAXATION**

### **1. Credit of State**

Article VII provides that the credit of the state shall not, in any manner, be given or loaned to an individual, association, or corporation. (Section 1)

### **2. Debt**

The state debt shall never exceed \$250,000. However, debt may be contracted if authorized by law for a single object and if the debt is to be repaid by imposition of a direct annual tax authorized by a majority of the voters at a general election. (Sections 2 and 5)

### **3. Tax Distinctly Stated**

Every law to impose a tax shall distinctly state the tax and the object to which it is to be applied. (Section 7)

### **4. Road Use, Fish and Wildlife Protection, and Natural Resources and Outdoor Recreation Funds**

Motor vehicle and motor vehicle fuel fees, licenses, and taxes shall be used exclusively for the public highways. Fishing and hunting fees and licenses shall be used exclusively for the regulation or advancement of fishing and hunting. Increased sales and services taxes shall be appropriated exclusively to protect and enhance water quality and natural areas in this state (increased taxes not yet imposed). (Sections 8, 9, and 10)

## **G. CORPORATIONS**

Article VIII restricts the authority of the General Assembly to create for-profit or banking corporations and prohibits the state from becoming a stockholder in any corporation or a political subdivision from becoming a stockholder in a banking corporation. The property of all for-profit corporations is required to be subject to taxation, the same as that of individuals. (Sections 1, 2, 3, and 4)

## **H. AMENDMENTS TO THE CONSTITUTION**

Article X provides that amendments to the Constitution of the State of Iowa must be passed by two successive General Assemblies, with publication of the amendments prior to the elections for members of the second General Assembly, and approved and ratified by a majority of voters. Two or more amendments must be submitted in a manner so that the voters can vote for or against each amendment. (Sections 1 and 2)

## **I. LOCAL DEBTS**

Article XI provides that county or other local political subdivision debt shall not exceed five percent of the value of the taxable property within the county or subdivision. (Section 3)

## **II. RULES RELATING TO DRAFTING AND FLOOR DEBATE**

### **A. SENATE AND HOUSE (JOINT RULES)**

#### **1. Bills<sup>1</sup>**

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<sup>1</sup> Many joint rules or the principles embodied in the joint rules apply to resolutions as well as bills. See the text of each joint rule for its applicability to resolutions.

*a. Form*

Bills shall be introduced, numbered, prepared, and printed as provided by law, or in the absence of such law, in a manner determined by the Secretary of the Senate and the Chief Clerk of the House. All bills shall be approved in form by the Secretary of the Senate or Chief Clerk of the House and by the legal counsel's office of each house before introduction. (Joint Rule 5)

*b. Companion Bills*

Identical bills introduced in one or both houses shall be called companion bills and shall include the sponsor of the companion bill in the other house. (Joint Rule 6)

*c. Reprinted Bills*

A bill substantially amended by either house shall be reprinted on paper of a different color in a manner so that all adopted amendments are distinguishable. (Joint Rule 7)

*d. Rejected Bills*

A bill which has passed one house and is rejected in the other house shall not be introduced again during that General Assembly. (Joint Rule 9)

*e. Carry-Over Actions and Bills*

Organizational and (lawmaking) actions of each house carry over to subsequent regular or extraordinary sessions of the same General Assembly. The status of a bill shall be the same at the beginning of each second regular session as it was immediately before adjournment of the previous regular or extraordinary session. However, the rules of either house may provide for re-referral of some or all bills to standing committees upon adjournment of each session or at the beginning of a subsequent regular or extraordinary session. This rule does not apply to a bill which has been adopted by both houses in different forms, or to a bill which has been adopted by either house (Senate Rule 4 only). (Joint Rule 3, Senate Rule 4, and House Rule 45) [Due to intervening enactments of the first regular session, Legislative Services Agency drafters should review all carry-over bills to ascertain if they should be modified in light of intervening enactments.]

*f. Code Editor's Bills*

Upon passage out of Judiciary Committee to the floor for debate, only Judiciary Committee amendments to Code Editor's bills (whether filed at the time of initial committee passage or after re-referral to the committee) or amendments to strike sections of the bills or of the committee amendments are in order on the floor. Upon consideration by the house of origin of the second house's amendment to the bill, only amendments to strike sections of the second house's amendment are in order. (Joint Rule 11)

**2. Amendments**

A bill originating in one house may be amended by the other house (1<sup>st</sup> degree amendment). The originating house shall not rule the other house's amendment out of order based on a question of germaneness. The originating house may concur or refuse to concur in the other house's amendment or may amend the other house's amendment (2<sup>nd</sup> degree amendment). Upon the bill's return to the other house, the other house cannot further amend the bill (3<sup>rd</sup> degree amendment out of order). (Joint Rule 12) Third degree amendments are in order, however, when the Senate is considering passage of a second degree amendment to a House amendment to its own bill and the third degree amendment is filed to perfect the second degree amendment. (Senate Rule 12) The House by tradition also allows third degree amendments under similar circumstances.

### **3. Enrollment and Transmission to Governor**

A bill which has passed both houses shall be enrolled in the house of origin under the direction of either the Secretary of the Senate or the Chief Clerk of the House and presented to the Governor for approval. The date of presentation to the Governor shall be entered in the journal of the house of origin. Enrolled resolutions not to be presented to the Governor shall be retained permanently by the Secretary of the Senate or the Chief Clerk of the House. (Joint Rules 14, 15, and 16)

### **4. Fiscal Notes**

The legal services staff of the Legislative Services Agency shall make a preliminary determination of whether a bill appears to require a fiscal note. A fiscal note is required if the bill reasonably could have an annual effect of at least \$100,000, or a combined total effect within five years after enactment of \$500,000 or more, on the aggregate revenues, expenditures, or fiscal liability of the state or its subdivisions. Appropriation and ways and means measures where the total effect is stated in dollar amounts do not require a fiscal note. When a committee reports a bill to the floor, the committee shall state in the committee report whether a fiscal note is or is not required. Certain fiscal note requirements can be waived during the final days of a session and a request for a revised fiscal note cannot generally delay action on a bill. (Joint Rule 17)

### **5. Resolutions**

#### *a.* Concurrent Resolutions

A concurrent resolution generally requires only a majority vote of those present and voting to be adopted and does not require the Governor's approval. (Joint Rule 21) (Iowa Code section 262A.4 contains an exception to this rule for State Board of Regents bonding resolutions.)

#### *b.* Joint Resolutions

A joint resolution requires a constitutional majority vote of each house of the General Assembly for adoption. A joint resolution shall not amend a statute in the Code of Iowa. A joint resolution which appropriates funds or enacts temporary laws is equivalent to a bill, must contain an enacting rather than a resolving clause, and must be transmitted to the Governor for approval. Other joint resolutions proposing or ratifying constitutional amendments, nullifying administrative rules, or making certain requests must contain a resolving clause and are not transmitted to the Governor for approval. (Joint Rule 21)

#### *c.* Nullification Resolutions

A nullification resolution is a joint resolution which nullifies all or a severable item of an adopted administrative rule. A nullification resolution shall not amend an administrative rule by adding language or by inserting new language in lieu of existing language. A nullification resolution must contain an effective date, is debatable, but cannot be amended on the floor of either house. (Joint Rule 22) A nullification resolution is not transmitted to the Governor and the Governor's approval is not needed. (Joint Rule 21)

## **B. SENATE**

### **1. Bills<sup>2</sup>**

Only Senators and standing committees may introduce bills. (Senate Rule 28) All bills shall be in writing, filed, and delivered to the Senators' desks before being acted upon by the

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<sup>2</sup> All Senate rules applicable to bills also apply to resolutions, except as otherwise provided in the Senate Rules. (Senate Rule 32)

Senate. However, Senate resolutions may be acted upon at the end of a legislative session (usually after the 14th and 12th weeks of the first and second regular sessions), without objection, if delivered electronically to all members. (Senate Rule 12) Bills to be introduced must be typed in proper form by the Legislative Services Agency. (Senate Rule 26) The subject of every bill must be expressed in its title. (Senate Rule 28) Bills, other than appropriation committee bills and simple or concurrent resolutions, must contain a concise and accurate explanation. A committee or chief sponsor may have a revised explanation included in the daily clip sheet at any time before last reading. (Senate Rule 29)

## **2. Study Bills**

A study bill shall bear the name of the Senator, state agency, or committee chairperson (by tradition only) submitting the bill to the committee. A committee may receive a study bill not prepared by the Legislative Services Agency but may only consider a study bill if the bill has been reviewed and typed in proper form by the Legislative Services Agency. Study bills filed in the Secretary of the Senate's office by 3:00 p.m. are reported in the journal for that day. (Senate Rule 33)

## **3. Honorary Resolutions**

Honorary resolutions filed with the secretary of the Senate may only relate to the following: national or international accomplishments; dedication days for statewide or national groups; 100<sup>th</sup>, 125<sup>th</sup>, and 150<sup>th</sup> anniversaries of local governments or organizations; senator or long-time Senate employee retirements; and Senate rules, administrative matters, and special committees. Certificates of recognition may be issued for other recognitions and expressions of sentiment. (Senate Rule 30)

## **4. Amendments**

### *a. Form*

Amendments shall be in writing, filed, and delivered to the Senators' desks before being acted upon by the Senate. However, amendments may be acted upon at the end of a legislative session (usually after the 14<sup>th</sup> and 12<sup>th</sup> weeks of the first and second regular sessions), without objection, if delivered electronically to all members. (Senate Rule 12) Amendments typed in proper form must be filed not later than 4:30 p.m., or by adjournment, whichever is later, in order to be included in the following day's clip sheet. (Senate Rule 26) Amendments in the third degree shall be ruled out of order except that any amendment filed in the Senate to a House amendment to a Senate File shall be considered an amendment in the first degree, thereby allowing that Senate amendment (drafted in the second degree) to be perfected by amendment (drafted in the third degree). (Senate Rule 12) Nullification resolutions cannot be amended on the floor of the Senate. (Senate Rule 31)

### *b. Order of Precedence*

The Senate considers amendments in the following order of precedence:

- i.* Striking the enacting clause.
- ii.* Striking everything after the enacting clause.
- iii.* Committee amendment.
- iv.* Other amendments, with striking amendments taking precedence over perfecting amendments and striking and inserting amendments. (Senate Rules 13 and 16)

## **5. Engrossment**

Engrossment is a verification that a bill is identical with the original bill as introduced and with all adopted amendments correctly inserted. Typographical, spelling, and other clerical errors may be corrected and internal references may be changed as required to conform the original bill to the amendments adopted. All such corrections and changes shall be reported in the Senate journal. (Senate Rule 21) Bills substantially amended by the Senate shall be reprinted on colored paper distinguishing any new material adopted by amendment. (Senate Rule 51)

## **C. HOUSE**

### **1. Bills<sup>3</sup>**

Only Representatives, standing and other authorized committees, and the Administrative Rules Review Committee may introduce bills. (House Rule 27) All bills shall be printed in form as provided by law and by rule. (House Rule 41) Bills to be introduced must be prepared by the Legislative Services Agency with title, enacting clause, text, and explanation, and presented in a bill cover, as directed by the Chief Clerk. (House Rule 27) Bills shall be filed no later than 4:30 p.m. on the legislative day preceding their introduction. (House Rule 30) Bills shall not be acted upon until the third legislative day they appear on the regular calendar. (House Rule 39) [The timing of the final preparation and delivery of a committee bill or committee amendment by the Legislative Services Agency to the committee chairperson and the chairperson's introduction of the committee bill or filing of the committee amendment is therefore critical in determining when the bill will be eligible for debate.]

### **2. Study Bills**

A study bill is received by a committee chairperson for consideration by the chairperson's standing committee, other than appropriations, who must notify the speaker of its receipt and submit four copies to the legal counsel's office for numbering. A study bill shall bear the name of the Representative, state agency, or committee chairperson (by tradition only) submitting the bill to the committee. A study bill must be prepared by the Legislative Services Agency in proper form prior to submission. (House Rule 48)

### **3. Amendments**

#### *a. Form*

Amendments shall give the number of the bill to be amended. (House Rule 31.6) Amendments adopted in committee shall be incorporated in a single committee amendment or incorporated in a new committee bill. (House Rule 59) If a proposed committee amendment would amend another committee amendment, the amendment shall be drafted in the form of a substitute amendment. (House File 56)

#### *b. Filing*

Amendments must be delivered to the Representatives' desks or delivered electronically to all members before being acted upon by the House. (House Rule 31.8) Amendments must be filed with the Chief Clerk not later than 4:00 p.m., or within one-half hour after adjournment, whichever is later (on Fridays if adjournment is prior to 2:00 p.m., within two hours after adjournment), in order to be debated on the House floor on the next day. The filing deadline for amendments does not apply to technical amendments, substituted Senate Files, and committee amendments contained in submitted committee reports. The deadline also does not

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<sup>3</sup> Joint resolutions shall be framed and treated as bills. (House Rule 28)

apply at the end of a legislative session (usually after the 13<sup>th</sup> and 11<sup>th</sup> weeks of the first and second regular sessions). (House Rule 31.8) Amendments to bills on the special order calendar shall be filed at least three session days prior to the date set for debate; amendments to those amendments shall be filed at least two session days prior to debate. Corrective amendments, which do not substantively change the amendment or bill, and amendments filed by either the Majority Floor Leader or the Minority Floor Leader are not subject to these special order filing deadlines. (House Rule 37) Nullification resolutions cannot be amended on the floor of the House. (House Rule 28)

*c. Germane Amendments*

An amendment must be germane to the subject matter of the bill it seeks to amend. An amendment to an amendment must be germane to both the amendment and the bill it seeks to amend. (House Rule 38)

*d. Order of Precedence*

The House considers amendments by the earliest position in the bill (inserting after a line and before the next line are considered as amending the same position) and by lowest amendment number, but in the following order of precedence:

- i.* Striking the enacting clause.
- ii.* Committee amendment.
- iii.* Striking everything after the enacting clause and inserting in lieu thereof.
- iv.* Perfecting.
- v.* Striking.
- vi.* Striking and inserting. (House Rules 68 and 82)

*e. Division*

Amendments can be divided if the division comprehends questions so distinct that one being taken away, the remainder may stand separately. (House Rule 82)

**4. Engrossment**

The Chief Clerk shall correct all obvious typographical, spelling, or other clerical errors and change section subunit numbers and letters and internal references as required to conform the original bill to any amendments which have been adopted. The Chief Clerk shall report all such corrections or changes in the House journal. (House Rule 42)

**III. RULES RELATING TO COMMITTEE PROCEDURES AND STAFFING**

**A. SENATE AND HOUSE (JOINT RULES)**

**1. Study Bills**

*a. Computer Tracking*

Study bills shall be tracked in the legislative computer system as are introduced bills. (Joint Rule 5)

*b. Committee Referral in Journal*

The referral of study bills to committee shall be entered in the journal. (Joint Rule 5)

**2. Administrative Rules Review Committee**

A bill relating to administrative rules and approved by a majority of Administrative Rules Review Committee members of each house is eligible for introduction in either house at any

time and must be referred to a standing committee. A standing committee, other than the Appropriations and Ways and Means Committees, must take action on the bill within three weeks of referral. If the Administrative Rules Review Committee delays the effective date of an administrative rule until the adjournment of the next regular session of the General Assembly and the Speaker of the House or the President of the Senate refers the rule to a standing committee, the standing committee shall review the rule within 21 days of the referral and shall take formal committee action by sponsoring a joint resolution to disapprove the rule, by proposing legislation relating to the rule, or by refusing to propose a joint resolution or legislation concerning the rule. The standing committee shall inform the Administrative Rules Review Committee of the committee action taken concerning the rule. (Joint Rule 19 and Senate Rule 27 and House Rule 29)

### **3. Carry-Over Bills**

The status of a bill shall be the same at the beginning of each second regular session as it was immediately before adjournment of the previous regular or extraordinary session. However, the rules of either house may provide for rereferral of some or all bills to standing committees upon adjournment of each session or at the beginning of a subsequent regular or extraordinary session. This rule does not apply to a bill which has been adopted by both houses in different forms, or to a bill which has been adopted by either house (Senate Rule 4 only). (Joint Rule 3, Senate Rule 4, and House Rule 45) [Due to intervening enactments of the first regular session, Legislative Services Agency staffers should review all carry-over bills to ascertain if they should be modified in light of intervening enactments.]

### **4. Conference Committees**

The ten members of the first conference committee on a bill shall be appointed by the Speaker of the House and the Majority Leader of the Senate, after consultation with and approval by other leaders, within one legislative day after either house insists upon its amendment to the bill. The conference committee shall meet before the end of the next legislative day after the members are appointed and shall select a chairperson. The authority of the first conference committee shall cover only issues related to provisions of the bill and amendments to the bill which were adopted by either the Senate or the House and on which the Senate and House differed. To be considered, two copies of a report of a conference committee must be signed by at least three members of each house and filed at the well of each house. A report of agreement is debatable, but cannot be amended. The house of origin takes up the report first. If the report is one of failure to agree or if one house refuses to adopt the report, the committee is discharged. If one house fails to act on a report because the report contains items beyond the authority of the first conference committee, the inaction constitutes refusal to adopt and the committee is discharged. Members of a second or subsequent conference committee are appointed in the same manner as are members of a first conference committee. The authority of a second or subsequent conference committee shall cover free conference during which the committee has authority to propose amendments to any portion of a bill provided the amendment is within the subject matter content of the bill as passed by the house of origin or as amended by the second house. (Joint Rule 13)

## **B. SENATE**

### **1. Referral of Bills<sup>4</sup> to Standing Committees**

#### *a. Initial Referral*

The President of the Senate refers individually sponsored Senate Files introduced at the well and House Files received from the House to the appropriate standing committees. (Senate Rules 38 and 52)

#### *b. Rereferral to a Second Committee*

The President places Senate Files introduced by committees on the calendar for debate. If the subject of a committee-presented Senate File is not germane to the title of the committee presenting the Senate File, the President may rerefer the Senate File to an appropriate committee. Appropriation, tax, and state government bills are required to be referred to the Appropriations, Ways and Means, and State Government Committees respectively. If the State Government Committee is the committee of second referral, the bill is automatically restored to the calendar after 10 legislative days if the Committee has not yet reported out the bill. (Senate Rules 38 and 52)

#### *c. Study Bills*

A study bill shall bear the name of the Senator, state agency, or committee chairperson (by tradition only) submitting the bill to the committee. A committee may receive a study bill not prepared by the Legislative Services Agency but may only consider a study bill if the bill has been reviewed and typed in proper form by the Legislative Services Agency. (Senate Rule 33)

#### *d. Carry-Over Bills*

Bills introduced in the first regular session of a General Assembly carry over into the second regular session and to any extraordinary session of the same General Assembly. Bills not finally passed by the Senate at the end of the first regular session are automatically referred back to the committee of origin for reassignment to a subcommittee, for indefinite postponement of further consideration, or for reporting back out to the floor for debate during the second regular session. Bills finally passed by either house at a previous session remain on the Senate calendar for any subsequent regular or extraordinary session in the same status as at the end of the previous session. (Senate Rule 4)

### **2. Announcement of Committee Meetings**

The chairperson of a committee may announce to the Senate the time and place of committee meetings, which must include an agenda. The Sergeant-at-arms must post the daily schedule of committee meetings at the rear of the chamber. (Senate Rule 41)

### **3. Standing Committee Procedural Rules**

The Senate Rules prescribe the following basic standing committee rules which can be supplemented by additional rules adopted by a committee, as long as the additional rules are consistent with these basic committee rules. Permanent Senate Rules must be approved by a constitutional majority of the Senators. (Senate Rule 2) Senate Rules can only be rescinded or suspended by unanimous consent or by a constitutional majority of the Senators voting on a simple resolution. (Senate Rule 25)

#### *a. Rules that Committees Cannot Suspend*

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<sup>4</sup> All Senate rules applicable to bills also apply to resolutions, except as otherwise provided in the Senate Rules. (Senate Rule 32)

The following prescribed committee rules cannot be suspended by a committee:

- i.* Quorum. A majority of members of the committee constitutes a quorum. (Senate Rule 39(1))
- ii.* Absolute Majority to Report Bill Out. A majority of members of the committee is needed to report a bill out to the floor for debate. (Senate Rule 39(5))
- iii.* Roll Call Vote on Final Passage. A vote on final passage on a bill must be by roll call unless a short-form vote is unanimously agreed to by the committee. (Senate Rule 39(6)) [If short-form voting is used, “no” votes must still be recorded.] See also Senate Rule 40 with regard to committee voting requirements, which is summarized in subsection 4 below.
- iv.* Meeting During Senate Session Prohibited. A standing committee cannot meet when the Senate is in session. Conference committees are exempt from this rule. (Senate Rule 39(7))
- v.* Proper Form. A subcommittee may only report a bill to full committee if the bill has been prepared in proper form by the Legislative Services Agency. (Senate Rule 39(8))
- vi.* Open Meetings. Committee meetings must be open. (Senate Rule 39(13))

*b.* Rules that Committees May Suspend (Senate Rule 39(4))

The following prescribed committee rules, as well as additional rules adopted by a committee, may be suspended by an affirmative vote of a majority of the members of the committee:

- i.* Subcommittee Assignment. The chairperson of a committee must assign each bill to a subcommittee within seven days after the bill has been referred to committee. The committee may only report a bill out of committee if it has been assigned to subcommittee at a prior meeting. However, the Appropriations Committee may assign a bill to subcommittee by placing a notice in the journal but the Committee must wait three days after the journal’s publication to consider the bill. Subcommittee assignments must be reported in the journal. (Senate Rule 39(2))
- ii.* Subcommittee Action. A bill cannot be considered by a committee until it has been assigned to subcommittee and the subcommittee has made its report to the committee. (Senate Rule 39(3))
- iii.* Public Hearing and Voting. A bill cannot be voted upon the same day a public hearing is held on the bill. (Senate Rule 39(9)) The presence or participation by a legislator, state official, member of the press, legislative staff member, or a person invited by the committee at a committee meeting is not considered a public hearing (by tradition only as memorialized in individual committee rules).
- iv.* Public Hearings Called. The chairperson of the committee may call a public hearing at the chairperson’s discretion and must call a public hearing at the request of one-half the membership of the committee. The chairperson sets the time and place of the public hearing. (Senate Rule 39(10)) [The Legislative Information Office will provide staff support to schedule speakers for a public hearing.]
- v.* Subcommittee Report to Chairperson. A subcommittee must notify the chairperson one legislative day prior to bringing a bill before the committee. A committee

cannot vote on a bill for at least one full day following the receipt of the subcommittee's report by the chairperson. (Senate Rule 39(11))

- vi. Reconsideration. A bill that has been defeated cannot be reconsidered and voted upon at the same session of the committee. (Rule Senate 39(12))

#### **4. Standing Committee Voting and Committee Bill Engrossment**

##### *a. Secret Voting Prohibited*

Secret ballot voting is prohibited. (Senate Rule 40)

##### *b. Roll Call Votes — Public Records*

Roll call votes on final passage must be taken unless a short-form vote is unanimously agreed to by the committee. [If short-form voting is used, “no” votes must still be recorded.] Roll call votes on any amendment or motion must be taken at the request of any member. All votes must be recorded and are public records. (Senate Rule 40)

##### *c. Incorporation of Amendments by LSA and Rule 40 Reports*

A committee shall not introduce a committee bill until the committee members have received final copies of the bill with amendments incorporated by the Legislative Services Agency. The committee may waive this rule by unanimous consent and instruct the Legislative Services Agency to file a report with committee members detailing the amendments. The Legislative Services Agency report becomes part of the committee report and is commonly referred to as the “Rule 40 Report.” (Senate Rule 40)

##### *d. Proper Form of Bills*

Bills to be introduced must be typed in proper form by the Legislative Services Agency and filed with the recording clerk. (Senate Rule 26)

##### *e. Eligibility for Debate*

A bill is generally eligible for debate one to three legislative days after the bill's number and title are printed in the Senate calendar. (Senate Rule 8) [The timing of the final preparation and delivery of a committee bill or committee amendment by the Legislative Services Agency to the committee chairperson and the chairperson's introduction of the committee bill or filing of the committee amendment is therefore critical in determining when the bill will be eligible for debate.]

#### **5. Committee Reports**

All committees must file reports of their meetings containing the following information:

- a. Time of convening.*
- b. Senators present or absent and the time any Senator arrived after the meeting convened.*
- c. Information for any bill reported out of committee:*
  - i. The title.*
  - ii. The file number, if known.*
  - iii. The vote.*
  - iv. The committee's recommendation on the bill:*
    - (1) Passage.*
    - (2) Amendment and passage.*
    - (3) Indefinite postponement.*
    - (4) Consideration without committee recommendation.*

- d.* Other bills or matters discussed
- e.* Other matters as the committee directs
- f.* Time of adjournment

All committee reports must be printed in the journal. (Senate Rule 43)

## **6. Withdrawal of Bills from Committee**

A bill cannot be withdrawn from committee within 15 days after the bill has been referred to the committee. Thereafter the bill can be withdrawn from committee only upon a written petition signed by a constitutional majority of Senators. (Senate Rule 42)

## **C. HOUSE**

### **1. Referral of Bills<sup>5</sup> to Standing Committees**

#### *a.* Initial Referral

The Speaker of the House refers individually sponsored House Files introduced at the well (and Senate Files received from the Senate) to the appropriate standing committees. (House Rule 31.3)

#### *b.* Rereferral to a Second Committee

The Speaker places House Files introduced by committees on the calendar for debate. If the subject of a committee-presented House File is more properly within the jurisdiction of some other standing committee, the Speaker may rerefer the House File to the proper committee. The Speaker or the House may rerefer a bill to a committee at any time after the bill's initial referral to a committee and before the bill's passage. (House Rules 31.7 and 43) Appropriation and tax bills are required to be referred to the Appropriations Committee and to the Ways and Means Committee respectively. (House Rule 32)

#### *c.* Study Bills

A study bill is received by a committee chairperson for consideration by the chairperson's standing committee, other than appropriations, who must notify the speaker of its receipt and submit four copies to the legal counsel's office for numbering. A study bill shall bear the name of the Representative, state agency, or committee chairperson (by tradition only) submitting the bill to the committee. (House Rule 48)

#### *d.* Carry-Over Bills

Bills introduced in the first regular session of a general assembly carry over into the second regular session and to any extraordinary session of the same general assembly. Bills not withdrawn, defeated, indefinitely postponed, or adopted by both houses in different forms, shall be rereferred to committee upon adjournment of the first regular session. At the beginning of the second regular session, the committee chairpersons shall submit carry-over bills to full committee for action or reassign the carry-over bills to subcommittee. (House Rule 45)

### **2. Announcement of Committee Meetings**

Each committee shall prepare and publish a notice of the committee name, date, time, and location of each committee meeting at least one day prior to the meeting. With the meeting notice, the committee shall also prepare and publish a meeting agenda containing matters to be discussed, including a list of bills and resolutions by number as well as the names of individuals scheduled to appear before the committee and the organizations they represent. A

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<sup>5</sup> Joint resolutions shall be framed and treated as bills. (House Rule 28)

bill or resolution shall not be reported out of committee if it was not included in the published notice and agenda, except that a majority of the total membership of the committee may suspend this restriction. A committee chairperson may call a meeting without providing the required notice and agenda upon leave of the House if a notice is placed on the desks of committee members or transmitted electronically to committee members. (House Rule 57)

### 3. Standing Committee Procedural Rules

#### a. No Conflict with House Rules

Standing committee procedural rules cannot conflict with House Rules. Rule 53 allows a committee to suspend only a committee rule. A motion to suspend a House rule requires one day's notice and an affirmative vote of a constitutional majority. (House Rules 7 and 69A)

#### b. House Rules Governing Committees

The following prescribed committee rules cannot be suspended by a committee:

- i. Quorum. A majority of members of the committee constitutes a quorum. (House Rule 53)
- ii. Absolute Majority to Report Bill Out or to Suspend Committee Rule. A majority of members of the committee is needed to report a bill out to the floor for debate or to suspend a committee rule. (House Rule 53)
- iii. Secret Ballot Prohibited. Voting by secret ballot is prohibited. (House Rule 52)
- iv. Requirement to Vote. An unexcused member in the committee room when a question to report a bill out of committee is put, must vote aye or nay. However, the member may pass on the first taking of the roll call but when the member's name is called for a second time, the member must vote aye or nay. (House Rule 53)
- v. Meetings During House Session Prohibited and Meetings by Committees with Overlapping Memberships Prohibited at Same Time. A standing committee cannot meet without special leave when the House is in session. Conference committees and the Administrative Rules Review Committee are exempt from this prohibition. Committees with overlapping memberships cannot meet at the same time without special leave. (House Rule 49)
- vi. Proper Form. A committee may consider a study bill only after being prepared in proper form by the Legislative Services Agency. (House Rule 48)
- vii. Open Meetings. Committee meetings must be open. However, the Administration and Rules Committee may close its meetings to evaluate the professional competency of an individual. (House Rule 52)
- viii. Reconsideration. Only a committee member who voted on the prevailing side of the question may move to reconsider the vote on a bill, but the motion must be made prior to adjournment of the meeting at which the bill was voted out. (House Rule 53)
- ix. Subcommittee Assignment and Action — Committee of the Whole. A bill cannot be considered by a committee until it has been referred by the chairperson to a subcommittee, unless acted upon by a committee of the whole. Referral to a subcommittee may take place between committee meetings but the membership of the subcommittee shall be reported at the next meeting of the committee.

Subcommittee assignments must be reported to the House and printed in the journal. Final committee action on a study bill shall not be taken until one day following the notation of the study bill assignment in the journal. (House Rules 48 and 51)

- x. Public Hearings Called. The chairperson of a committee may call a public hearing at the chair's discretion for the purpose of receiving public comment on any matter within the purview of the committee, and must call a public hearing at the written request of committee members according to committee rules, which committee rules shall require no more than one-third of the committee members to force the calling of a public hearing. The chairperson shall designate a time and place for the public hearing and must provide public notice at least five days prior to the public hearing. The public hearing shall not be called or requested after final action on the bill has been taken by the committee. However, if called or requested before final action has been taken by the committee, the public hearing may be held after final action on the bill has been taken by the committee. A bill for which a public hearing has been called can be voted to the calendar but cannot be debated until after the public hearing has been held. Public hearings requested during or after the 9<sup>th</sup> week of the first regular session or during or after the 7<sup>th</sup> week of the second regular session must be held within four legislative days of the date of the request. (House Rule 61) The presence or participation by a legislator, state official, member of the press, legislative staff member, or a person invited by the committee at a committee meeting is not considered a public hearing (by tradition only as memorialized in individual committee rules). [The Legislative Information Office will provide staff support to schedule speakers for a public hearing.]

#### **4. Standing Committee Voting and Committee Bill Engrossment**

##### *a. Secret Voting Prohibited*

Secret ballot voting is prohibited. (House Rule 52)

##### *b. Roll Call Votes — Public Records*

Roll call votes on final passage must be taken. All votes, committee action, and minority recommendations must be recorded and are public records. (House Rule 54)

##### *c. Incorporation of Amendments*

All amendments adopted in committee shall be incorporated in a single committee amendment or incorporated in a new committee bill. If a committee amendment would amend another committee amendment, the amendment must be drafted in the form of a substitute amendment. (House Rules 56 and 59)

##### *d. Proper Form of Bills*

Bills to be introduced must be prepared by the Legislative Services Agency with title, enacting clause, text, and explanation, and presented in a bill cover, as directed by the Chief Clerk. (House Rule 27)

##### *e. Eligibility for Debate*

Bills shall not be acted upon until the third legislative day they appear on the regular calendar. (House Rule 39) [The timing of the final preparation and delivery of a committee bill or committee amendment by the Legislative Services Agency to the committee chairperson and the chairperson's introduction of the committee bill or filing of the committee amendment is therefore critical in determining when the bill will be eligible for debate.]

## **5. Committee Attendance Record**

All committees must file attendance reports of their meetings containing the following information:

- a. Time of convening
- b. Members present
- c. Time of adjournment
- d. A list of bills receiving final committee disposition  
(House Rule 54)

## **6. Committee Reports**

All committees must file reports of their meetings containing the following information for any bill receiving final committee disposition:

- a. Committee action taken
- b. The number of any committee amendment
- c. The roll call vote on final disposition
- d. Any minority recommendation

All committee reports, including any minority recommendations, must be printed in the journal. (House Rules 54 and 55)

## **7. Withdrawal of Bills from Committee**

A bill may be withdrawn from committee, after the bill has been in committee for 18 days, by an affirmative vote of 51 Representatives. (House Rule 60)

# **IV. DEADLINES FOR INTRODUCTION, PASSAGE, AND CONSIDERATION OF BILLS (FUNNEL RULES)**

## **A. INDIVIDUAL MEMBER BILL INTRODUCTION REQUEST DEADLINES (SENATE RULE 27 AND HOUSE RULE 29)**

As a restriction on the introduction of individual member bills, bill drafting requests must be filed by individual Senate or House members with the Legislative Services Agency by 4:30 p.m. on Friday of the 5<sup>th</sup> week of the first regular session and by 4:30 p.m. on Friday of the 2<sup>nd</sup> week of the second regular session. This restriction does not apply to any of the following:

1. Study bills requested by committee chairpersons.
2. Simple and concurrent resolutions.
3. Nullification resolutions relating to administrative rules. (House Rule 29 only)
4. Bills sponsored by the Administrative Rules Review Committee (House Rule 29) or introduced by the Administrative Rules Review Committee which are approved by a majority of the members of the Committee in each house and which relate to departmental rules. (Senate Rule 27)
5. Bills co-sponsored by the majority and minority floor leaders.
6. Companion bills sponsored by the House majority leader and the Senate majority leader.

## **B. EXTRAORDINARY SESSION SENATE BILLS**

Extraordinary session bills and resolutions must be sponsored by a standing committee, the majority and minority floor leaders, or the committee of the whole. (Senate Rule 27)

## **C. ELIGIBILITY FOR DEBATE (JOINT RULE 20 IF AMENDED AS IN 2012)**

### **1. First Committee Passage**

To be placed on the Senate or House calendar and remain eligible for debate:

- a.* A Senate or House bill or joint resolution must be voted out of a Senate or House standing committee, respectively, by Friday of the 8<sup>th</sup> week of the first regular session or the 7<sup>th</sup> week of the second regular session.
- b.* A Senate bill must be voted out of a House standing committee and a House bill must be voted out of a Senate standing committee by Friday of the 12<sup>th</sup> week of the first regular session and the 10<sup>th</sup> week of the second regular session.

### **2. Exemptions from First Committee Passage Rule**

The following bills (and joint resolutions) are exempt from the deadlines relating to passage out of a Senate or House standing committee:

- a.* Appropriation bills (sponsored by or the committee of first referral).
- b.* Ways and Means bills (sponsored by or the committee of first referral).
- c.* Government Oversight bills (sponsored by or the committee of first referral).
- d.* Legalizing Acts.
- e.* Administrative Rules Review Committee bills.
- f.* Committee bills related to delayed administrative rules.
- g.* Bills cosponsored by the Majority and Minority Floor Leaders of one house.
- h.* Bills in conference committee.
- i.* Companion bills sponsored by the Majority Floor Leaders of both houses after consultation with the respective Minority Floor Leaders.

### **3. Each House Considers Its Own Bills**

During the 10<sup>th</sup> week of the first regular session and the 8<sup>th</sup> week of the second regular session the Senate or House considers only bills originating in the Senate or House, respectively, and unfinished business.

### **4. Each House Considers Other House Bills**

During the 13<sup>th</sup> week of the first regular session and the 11<sup>th</sup> week of the second regular session the Senate or House considers only bills originating in the House or Senate, respectively, and unfinished business.

### **5. Bills Passed by Both Houses Considered**

During and after the 14<sup>th</sup> week of the first regular session and the 12<sup>th</sup> week of the second regular session the Senate or House considers only bills passed by both houses, bills exempt from the deadlines relating to passage out of a Senate or House standing committee (subsection 2 above), and unfinished business.

### **6. Motions to Reconsider**

Motions to reconsider on any bill or resolution subject to a deadline may be called up before or after the deadline by the person filing the motion, or after the deadline by the Majority Leader.

### **7. Exemptions from all (Funnel) Rules**

The following bills and resolutions are exempt from all these deadlines:

- a.* Concurrent or simple resolutions.
- b.* Joint resolutions nullifying administrative rules.
- c.* Senate confirmations.
- d.* Redistricting bills.
- e.* Bills passed by both houses in different forms.

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